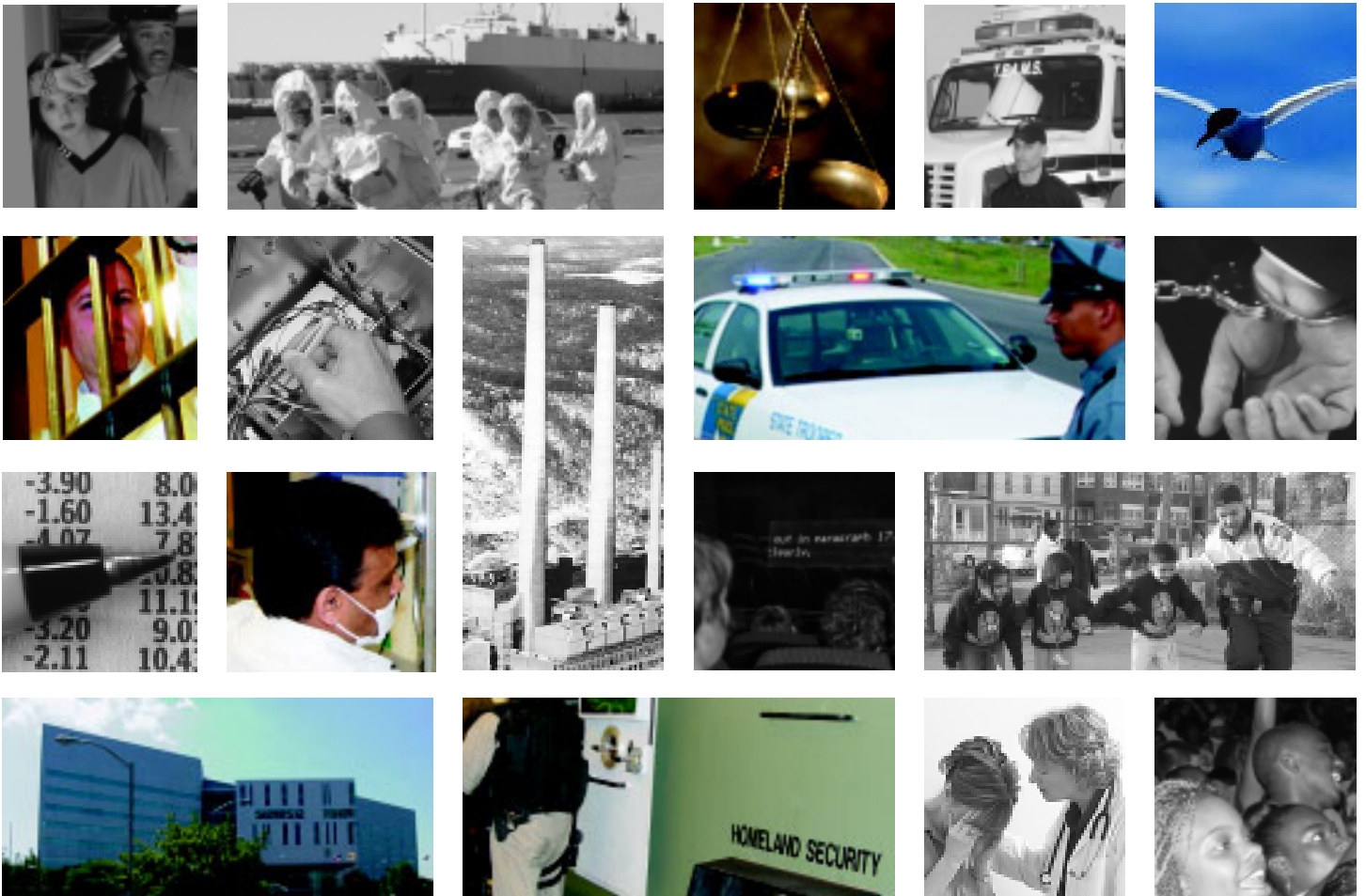




# ANNUAL REPORT 2003/2004



*Peter C. Harvey, Attorney General of New Jersey*



**Attorney  
General**

First Assistant  
Attorney General

Chief of Staff

Office  
of  
Counter  
Terrorism

Office  
of  
Government  
Integrity

Division  
of  
Alcoholic  
Beverage  
Control

Division  
on  
Civil  
Rights

Division  
of  
Consumer  
Affairs

Division  
of  
Criminal  
Justice

Division  
of  
Elections

Division  
of  
Gaming  
Enforce-  
ment

Division  
of  
Highway  
Traffic  
Safety

Juvenile  
Justice  
Commission

Division  
of  
Law

Racing  
Commission

Division  
of  
State  
Police

Election  
Law  
Enforcement  
Commission

Executive  
Commission  
on  
Ethical  
Standards

New Jersey  
Domestic  
Security  
Preparedness  
Taskforce

Office  
of  
Child  
Advocacy

Victims  
of Crime  
Compensation  
Board

State  
Athletic  
Control  
Board

## Greetings from the Attorney General



### Dear Acting Governor Codey, members of the State Legislature and citizens of New Jersey:

It has been my privilege to serve as Attorney General for more than two years. Our office has broad responsibilities that impact virtually every aspect of life in New Jersey, and we take those responsibilities quite seriously. This report outlines our efforts in 2003 and 2004.

Here is a fact that probably is not known to most: The New Jersey Attorney General's Office has the broadest jurisdiction of any Attorney General's Office in the nation. We have approximately 9,600 employees spread across 11 agencies, including State Police, Criminal Justice, Alcoholic Beverage Control, Gaming Enforcement, Law, Juvenile Justice Commission, Elections, Highway Traffic Safety, Civil Rights, Consumer Affairs and the Racing Commission. We also have principal authority over New Jersey's homeland security strategy through the Office of Counter-Terrorism and my chairmanship of the Domestic Security Preparedness Task Force. Our state-appropriated budget exceeds \$530 million, and, with federal grants, approximates \$1 billion.

Our agenda is one of action and innovation. We have brought substantial cases and system reforms that better protect the public and ensure equal justice. Some of our initiatives are the first of their kind in the nation. Examples include our statewide SART/SANE teams for survivors of sexual assault, movie theater accommodation for the deaf and hard of hearing, environmental enforcement actions that prosecute polluters of our cities and suburban neighborhoods, an insurance fraud prosecutor's office that leads the nation in fraud cases, and celebrity voter education public service announcements. Our work has established new benchmarks of achievement in the Department of Law and Public Safety. For example, our efforts have resulted in the largest securities fraud payment penalty in State history, the largest natural resource damage recovery in State history, a record number of criminal defendants charged and convicted, prosecution of 90 public officials, the establishment of a state-of-the-art forensic and DNA laboratory that is one of only four regional mitochondrial DNA labs designated by the Federal Bureau of Investigation (FBI), the implementation of a regional computer forensic laboratory in partnership with the FBI, and representation of the State in more than 17,000 civil actions and appeals.

We pride ourselves on being creative and non-partisan. The pages ahead will give you an overview of our enormous responsibility on behalf of the people of New Jersey. After reading it, I invite you to learn more about our work by visiting the Web sites of our divisions. See the upper left corner of each page for divisional Web addresses. Through the tireless efforts of our lawyers, investigators and administrative personnel, and through collaborative working relationships with other state departments, local governments, federal agencies and the private sector, we continue to strive to improve the quality of life in our state.

**Peter C. Harvey,**  
*Attorney General*



# Table of Contents

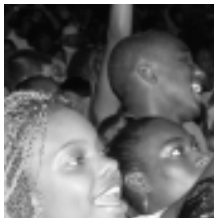
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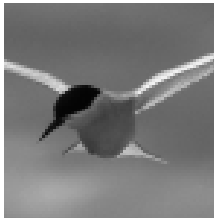
20



24



32



## Attorney General's Initiatives

Coordinating Statewide Homeland Security Policy & Procedures .....	4
Combating Gangs, Building Hope .....	6
State Police — A Modern Force Handling Diverse Responsibilities .....	8
Helping Survivors of Sexual Assault & Domestic Violence .....	10
Fighting Public Corruption .....	12
Prosecuting Securities Fraud .....	14
Best in the Nation Prosecuting Insurance Fraud .....	16
Safeguarding Civil Rights .....	18
Getting Out the Vote .....	20
DNA — Convicting the Guilty, Exonerating the Innocent .....	22
Criminal Justice Reforms .....	24
Prosecuting Bias Crime and Zero Tolerance for Bullying .....	26
Protecting, Educating and Informing Consumers .....	28
Battling Cyber Crime, Identity Theft .....	30
Protecting the Environment .....	32

## Programs and Divisions under the Attorney General's Supervision

Domestic Security Preparedness Task Force .....	35
Office of Counter-Terrorism .....	36
Office of Government Integrity .....	37
Division of New Jersey State Police .....	38
Office of State Police Affairs .....	40
Division of Consumer Affairs .....	41
Division of Criminal Justice .....	42
Division on Civil Rights .....	44
Division of Law .....	46
Division of Elections .....	48
HAVA Implementation Team .....	49
Juvenile Justice Commission .....	50
Division of Alcoholic Beverage Control .....	52
Division of Highway Traffic Safety .....	53
Division of Gaming Enforcement .....	54
Racing Commission .....	55

## Also within the Department

Victims of Crime Compensation Board .....	53
Election Law Enforcement Commission .....	53
Executive Commission on Ethical Standards .....	53
State Athletic Control Board .....	53

# Office of the Attorney General



Attorney General Peter C. Harvey flanked by First Assistant Attorney General Mariellen Dugan and Chief of Staff, Markus Green.

The Office of the Attorney General (OAG), formally known as the Department of Law and Public Safety, is dedicated to making New Jersey safe and secure for all its residents. Under the direction of the Attorney General, the Department handles diverse and complex responsibilities focused on protecting the lives, property and rights of New Jersey's citizens.

No Attorney General could be successful without expert administrative personnel. Managing approximately 9,600 employees and a nearly \$1 billion budget requires a team of talented and organized administrators. Specialized administrative, legal and communications personnel assist the Attorney General in creating and implementing policy, and generating public awareness of OAG initiatives. The OAG provides direct legal services to State agencies, and promulgates rules and regulations governing law enforcement operations. Among the units under the auspices of the OAG are Administration, Equal Employment Opportunity and Affirmative Action, the Office of Government Integrity, the Office of Counter Terrorism, the Domestic Security Preparedness Task Force, the Office of State Police Affairs, the New Jersey State Athletic Control Board, and the HAVA Implementation Team.

A. From left to right: James Nestor, Director/Office of Employee & Organization Development; Catherine Farley, Director/Human Resource Management; Robert J. Caccese, Director/Operations Audit; Maria Cardiello, Chief Information Officer/Information Technology Services; Thomas J. O'Reilly, Administrator; Raymond J. Hayling II, Chief/Public Safety Communications; Carl Wyhopen, Director and DAG/Internal Controls; Daniel Foster, Director/Finance and Facilities Management; Carl H. Ruopp, Assistant Director/CAO-Administration.

B. From left to right: Paul Loriquet, Director of Communications; B. Stephan Finkel AAG and Director/Legislative Affairs; William C. Brown, Counsel to the Attorney General; Peter Wint, AAG and Deputy Chief of Staff; June Forrest, AAG; Regina Garb, Director/Citizens Services and Relations; Paul Kraml, Chief Graphic Designer and Creative Director, Leland Moore, Deputy Director/Communications, Lawrence M. O'Reilly, AAG.





# Coordinating Statewide Homeland Security Policy & Procedures

## Priorities Included Urban Centers, Liberty Airport, Creation of State Police Homeland Security Branch

The highest priority for the Attorney General's Office in a post-September-11 world remains protecting New Jerseyans from terrorism via strong homeland security efforts.

Through the Domestic Security Preparedness Task Force, chaired by the Attorney General, and the Office of Counter-Terrorism within the Attorney General's Office, New Jersey has developed an effective homeland security effort.

Testimony to the strength of New Jersey's homeland protection efforts was provided in October 2004 when the non-profit organization Quality New Jersey named the Attorney General's Northeastern New Jersey Urban Area Security Initiative (UASI) a "best practice" among New Jersey state government programs.

The UASI is a program designed to enhance homeland security and domestic

preparedness in the state's most densely populated region. It was funded with \$43.9 million in federal homeland security grant funds over the past two fiscal years, and is focused on addressing potential, and actual, incidents of terrorism in a six-county area made up of Bergen, Essex, Hudson, Morris, Passaic and Union counties, as well as the cities of Newark and Jersey City. The Northeastern New Jersey UASI program was the only homeland security initiative listed among a dozen state government initiatives highlighted by Quality New Jersey.

The UASI program is focused on developing a first responder force that is capable of responding anywhere in the region to a terrorist incident. Additionally, the initiative has provided resources to "harden" critical facilities that might be attractive terrorism

targets. The six-county UASI area accounts for 44 percent of the state's 8.6 million people, and contains more than one-third of the state's most critical infrastructure sites as identified by the Domestic Security Preparedness Task Force. The UASI puts New Jersey well on its way to creating a truly integrated, and regionalized, program that connects all levels of government in the service of better protecting the public against potential terrorist attacks.

Other highlights included:

- ❖ **Preparation, and implementation, of a plan for Newark Liberty International Airport** to help protect aircraft from the threat of surface-to-air missiles.
- ❖ **Activation of an Office of Counter-Terrorism toll-free tip line, at 1-866-4-SAFE-NJ (1-866-472-3365).**

*This highway billboard (near right) along with the bus placard (far right) have been posted throughout New Jersey to promote the statewide hotline number for reporting suspicious activity, as well as New Jersey's comprehensive Homeland Security Web site. The Web site is designed and regularly updated by the communications staff of the Attorney General's Office.*



**Call: 1-866-4-SAFE-NJ**  
to report suspicious activity.



Attorney General Peter C. Harvey confers with a member of the New Jersey State Police during the 2004 roll-out of the new State Police Homeland Security Branch (HSB) at Mercer County Airport. The Homeland Security Branch placed the State Police Emergency Management Section and the newly-created Special Operations Section under one command, thereby enhancing New Jersey's ability to respond to a terrorist attack or other domestic security incident. Newly-acquired equipment unveiled during the HSB roll-out included the armored truck pictured here.



❖ **Distribution of a total of \$87.4 million in Fiscal Year 2004 federal homeland security grant monies** to buy equipment for first responders, police, and civilian volunteers in municipalities and counties throughout the State, as well as to fund components of the Northeastern Urban Areas Security Initiative.

❖ **Implementation of a Statewide Information Management System (SIMS)** by the Division of State Police to enable county and local police to more effectively report and catalogue leads on potential terrorist activities. SIMS allows for consistent tracking and documentation of leads, and streamlines reporting to the Office of Counter-Terrorism, as well as the FBI's Joint Terrorism Task Forces. SIMS also serves as a repository and analytical tool for intelligence data.

❖ **[www.NJHomelandSecurity.gov](http://www.NJHomelandSecurity.gov)** — is the official State Web site for dissemination of bulletins and other public information related to domestic preparedness. Created and constantly updated by staff within the Attorney General's public affairs unit, the Web site provides a wealth of useful information on everything from current threat levels to preparing a disaster-related "emergency kit" to where to report suspicious activity.

*Emergency response personnel in action during a full-scale domestic preparedness exercise in 2003. Staged at the Port of Newark and Elizabeth, the drill tested New Jersey's response capabilities with a simulated chemical and radiological explosion.*



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mb?



**Call: 1-866-4-SAFE-NJ**  
to report suspicious activity.

To learn more:  
[njhomelandsecurity.gov](http://njhomelandsecurity.gov)

NEW JERSEY DOMESTIC SECURITY PREPAREDNESS TASK FORCE

New Jersey Office of the Attorney General

# Combating Gangs, Building Hope

## **PROJECT VISION and Other Programs Offered Positive Alternatives; Tough Enforcement Actions Took Violent Gang Members Off the Streets**

Conditions outside were blustery and cold, but the optimism inside New Brunswick's Lincoln Avenue School Annex provided a warm counterpoint. The date was December 20, 2004, and Attorney General Peter C. Harvey was gathered with students, parents, educators, members of law enforcement and others at the city's Lincoln Avenue School to announce a new anti-gang and violence prevention initiative — PROJECT VISION.

A partnership combining the energy and resources of the New Jersey Attorney General's Office, participating county prosecutors and a host of community stakeholders, PROJECT VISION is designed to give thousands of New Jersey youngsters a safe place to go after school, and a range of positive, informative, and, most of all, fun activities to engage them.

In New Brunswick, nearly 100 students had signed up for the PROJECT VISION program as of its December 2004 kick-off. Even as the new program was being rolled out for the first time in Middlesex County, similar PROJECT VISION programs were be-



*A Perth Amboy Police Officer plays kickball with children during a typical day in the life of the city's OAG-funded Police/Community Partnership program. The program offers young people an after-school "safe haven" in which to work, play, and interact with adult role models.*

ing finalized for launch in 2005 in Glassboro (Gloucester county), Bridgeton (Cumberland county), Asbury Park (Ocean county), and Irvington, (Essex county). In each case, the programs were made possible by grants provided to county prosecutors' offices by the Division of Criminal Justice within the Attorney General's Office.

"PROJECT VISION offers young people a nurturing after-school environment, as well as positive alternatives to 'hanging out' on the streets," said Attorney General Harvey during the New Brunswick launch. "It can help us turn young people away from the false glamour of gang life... it can help us win the battle for our children."

With the successful roll-out of PROJECT VISION, New Jersey strengthened an already-effective campaign to make neighborhoods safer through a combination of innovative prevention strategies and tough enforcement actions.

In addition to Project Vision, a number of programs aimed at giving young people positive alternatives to the street continued

to thrive in 2003 and 2004.

In Perth Amboy, parents and civic leaders continued to laud a Police/Community Partnership Program — funded with a grant from the Division of Criminal Justice — that blended enhanced neighborhood police protection with the availability of an after-school "safe haven" site where young people can play and do homework.

In Newark, the Attorney General's Office continued working with local and county-level law enforcement, the faith-based community, non-profit agencies and others to create after school programs that gave young people a place to go, and a diversity of activities to engage them. Known as Newark Partners Against Crime, the effort expanded in 2004 to feature three individual "safe havens" within Newark's South Ward section. Each of these three safe havens offer participating youngsters cultural and social activities, educational programs, and athletic and recreational opportunities.



## Gangs, Guns and Drugs Video

Attorney General Harvey, who served as Chairman of the Gang Violence Subcommittee of the National Association of Attorneys General, also commissioned an effective public awareness video on gangs in 2004 for distribution to parents, educators, community groups and other stakeholders in the effort to combat gang activity. The gritty video demonstrates through compelling interviews and disturbing photographs that gang life is not glamorous — it is a road to prison, violent death and disfiguring or disabling injury. The video, which was quickly incorporated by other states (for example, Virginia, West Virginia and Wisconsin) into their law enforcement training initiatives, can be viewed on-line at [www.njgangfree.org](http://www.njgangfree.org).

## AG Chaired Philadelphia/Camden HIDTA

Attorney General Harvey served as Chairman of the Philadelphia-Camden High Intensity Drug Trafficking Area (HIDTA) Task Force. The HIDTA Task Force is a cooperative state and federal initiative which targets heroin trafficking and its corresponding money-laundering activities in the Philadelphia-Camden metropolitan region. The HIDTA Task Force receives funding from the Office of National Drug Control Policy, and is staffed by personnel from various federal, state, county, and local law enforcement agencies.

## Gang Prosecutions

As part of the Attorney General's Gangs, Guns and Drugs initiative in 2003-2004, the State Police Gang Unit and the Division of Criminal Justice spearheaded major investigations that resulted in the arrest and prosecution of over 150 street gang members on a range of charges from conspiracy and criminal racketeering to drug trafficking, illegal weapons possession and money laundering.

Among the investigations were:

### ❖ Operation Golden Triangle —

Done in conjunction with Trenton police and the Mercer County Prosecutors Office, Operation Golden Triangle led to the arrest of 17 people involved with the alleged sale of heroin and other narcotics in the City of Trenton, surrounding Mercer county area, and throughout Essex county. Authorities confiscated 300 bricks of

heroin and several illegal weapons — including an Uzi submachine gun.

### ❖ Operation Lord Stanley —

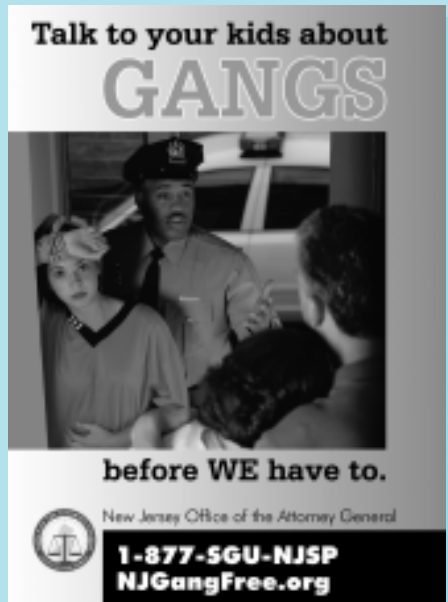
As a result of the efforts of State, local and county law enforcement, 10 suspected members of a "crack" cocaine and marijuana dealing network based at a public housing complex in Atlantic City were arrested. More than four pounds of cocaine were seized, as well as more than two pounds of marijuana, approximately \$200,000 cash and a variety of firearms and automobiles.

### ❖ 18th Street Gang —

Coordinated by the State Police Street Gang Unit, this investigation led to the indictment, conviction and imprisonment of several members of the so-called 18th Street Gang operating in New Brunswick in connection with street violence in the city. Three gang members received stiff State Prison sentences (five, seven and 12 years respectively) for their part in the attempted murder, via drive-by shooting, of rival gang members.

### ❖ Champagne Posse/Irvington Initiative —

Indicted were 65 alleged members of the so-called "Champagne Posse" in connection with marijuana sales, weapons possession and other illegal activities in and around Irvington. In addition, as part of the ongoing Irvington Initiative, members of the Essex County Anti-Crime Partnership kept the pressure on illegal gang activity by conducting sweeps in the spring and fall of 2004 in which they painted over gang graffiti and arrested a number of alleged gang members and associates.



*The Attorney General's Office has made combating gang activity a top priority. This public awareness poster (also printed in Spanish) offers an urgent message, as well as contact information for those who want to learn more.*

*PROJECT VISION is a new program aimed at reducing gang activity and violence by giving young people a range of positive, engaging alternatives to street life.*



# State Police — A Modern Force Handling Diverse Responsibilities



## Monitors' Reports Praised Elimination of Profiling, Lauded Trooper Training; Agency Acquired Hundreds of New Patrol Cars, Opened New Facilities

Working cooperatively, the Attorney General, the Superintendent of State Police and the Office of State Police Affairs within the Attorney General's Office collaborated on a number of key policy actions, personnel-management-related decisions, and equipment acquisitions in 2003-2004 that continued to develop the State Police into one of the nation's finest statewide law enforcement agencies.

Through cutting-edge trooper training, enhanced management practices and an ongoing commitment to diversity and cultural sensitivity, the State Police continued its evolution into a stronger, more accountable organization — one that continues to move forward to meet the challenge of full compliance with the racial-profiling-related federal Consent Decree of 1999.

In December 2004, Attorney General

Harvey and the Office of State Police Affairs announced the filing of the 11th Independent Monitors' Report, which noted again (as in prior reports dating back to 2002) that no evidence of racial profiling by State Police had been found by the monitoring team during the most recent six-month review period. The Monitors praised the State Police for having made "remarkable progress" in such key areas as field operations, trooper training, and personnel supervision.

The 11th Independent Monitors Report demonstrated that — for the first time since monitoring of State Police began under the federal Consent Decree — the State Police had accomplished all field-operations-related tasks outlined in the Consent Decree.

The 11th Independent Monitors Report reflected information compiled during a six-

month period spanning April 1, 2004 through September 30, 2004 by Independent Monitors Dr. James Ginger and Albert Rivas, Esq., who, as part of their work, conducted a variety of on-site review activities.

In addition, the Monitors reported that State Police motor vehicle stops reviewed by the monitoring team were "remarkably trouble free," and that incidents in which troopers conducted consent searches, deployed drug-sniffing dogs or used force in dealing with suspects were found in each case to have been executed professionally, and for legitimate cause.

In announcing the results of the Monitors' Report, Attorney General Harvey described it as testimony to the "dedication, professionalism and commitment to excellence" of the State Police. Over time, each subsequent Independent Monitors report has verified the continuing compliance of State Police with the tasks of the federal Consent Decree. The 11th installment, however, painted the most positive picture yet of a quality law enforcement organization embracing historic change.

THE STAR-LEDGER

FRIDAY, AUGUST 15, 2003

### 44 seized in Essex blitz on narcotics gang

Raids come as State Police announce the start of uniformed patrols in Irvington

BY JONATHAN SCHUPPE  
STAR-LEDGER STAFF

Monday, authorities waited until yesterday to announce them. They also announced the start of uniformed State Police patrols in their neighborhoods. "We want to take the heat off the windows," Fuentes said.

### Raids on street gang net Latin Kings suspects

BY JONATHAN SCHUPPE  
STAR-LEDGER STAFF

Law enforcement authorities yesterday arrested five alleged members of the State Police Street Gang Unit and the arrests came as the result of leads that sprouted from last year's Operation Catapult, in which five current and four former members were

tion and community education programs," acting Attorney General Peter Harvey said. One of the Crown Council members arrested yesterday, Rafael "King Daddy-O" Melendez, 32, of Newark, was charged in an Oper-

Perez, 34, of Jersey City; and more than "King Shorty" Mutias, 31, of Jersey City. A fourth alleged conspirator, Rensso "King" Castello, 25, of Guttenberg, was arrested May 3.

"These guys were on our screen, but we were just in

### Child-porn sweep nets 39 arrests

The probe focused on images traded over the Internet.

By Robert Moran  
ENQUIRER STAFF

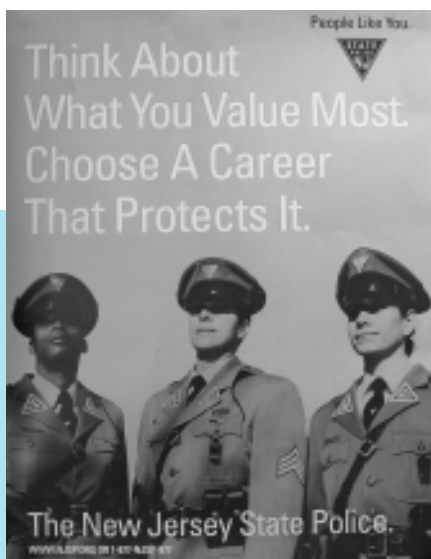


*As part of a continuing effort to ensure the safety of both the public and New Jersey State Police personnel, the State Police continue to acquire new patrol cars to replace outdated, high mileage units. At left, a road trooper and a volunteer demonstrate one of the many vital functions provided by State Police assigned to marked patrol units — drunk driving enforcement.*

In describing State Police field operations during the review period, the Monitors referred to evidence of “rapid, meaningful and focused improvements.” The Monitors referred to the Office of Professional Standards — the State Police internal affairs section — as a “shining star” in the agency’s ongoing effort to comply with all aspects of the federal Consent Decree. They also praised the State Police approach to preparing new recruits, which includes cutting edge cultural sensitivity training.

In addition to the stellar 11th Independent Monitors report, other important progress made in 2003-2004 included:

*The Attorney General’s Office has been vigorously pursuing a multi-faceted trooper recruitment campaign under the slogan “People Like You.”*



#### ❖ **Recruiting Initiative** —

The Division undertook a new recruiting initiative designed to attract State Police candidates from as diverse and qualified a candidate pool as possible. Among other things, the campaign involves the use of female and minority command staff as recruiters. (Female and minority command staff — those at the rank of Captain or above — have increased roughly 24 percent under Attorney General Harvey). The recruiting campaign also involves the airing of public service announcements through media outlets that reach a multi-cultural audience. Those seeking additional information on State Police recruiting can visit a special State Police Web page dedicated to recruiting at [www.NJSP.org/recruit](http://www.NJSP.org/recruit).

#### ❖ **Investing in the Safety of Citizens, Troopers** —

As part of a continuing effort to ensure the safety of the public, as well as the troopers who patrol New Jersey highways and protect its neighborhoods, State Police purchased nearly 200 new patrol vehicles in 2003 and acquired another 400 new cars in 2004 to replace outdated, high mileage vehicles.

#### ❖ **Accountability Via Full MAPPS Implementation** —

In January 2004, the State Police Management Awareness Personnel Performance System (MAPPS) — the first law enforcement personnel management system of its kind in the nation — became fully operational. A state-of-the-art computer system, MAPPS is designed to allow for maintenance and retrieval of data required to

manage State Police personnel. MAPPS enhances the ability of State Police to monitor the performance of both troopers and supervisors. MAPPS is being used to manage State Police operations on a day-to-day basis, and has been cited by the Independent Monitors as an important management tool.

#### ❖ **New Technology Center/ Troop C Headquarters** —

Now operational, the new Forensic Sciences Center and State Police Troop C Headquarters and Communications Center — located in Hamilton Township — are providing the State Police with important new facilities while also employing state-of-the-art forensic technology for evidence analysis — including DNA. New Jersey is now home to one of the finest evidence analysis facilities in the entire country.

#### ❖ **Leaders Attend Executive Training at Rutgers Policing Institute**

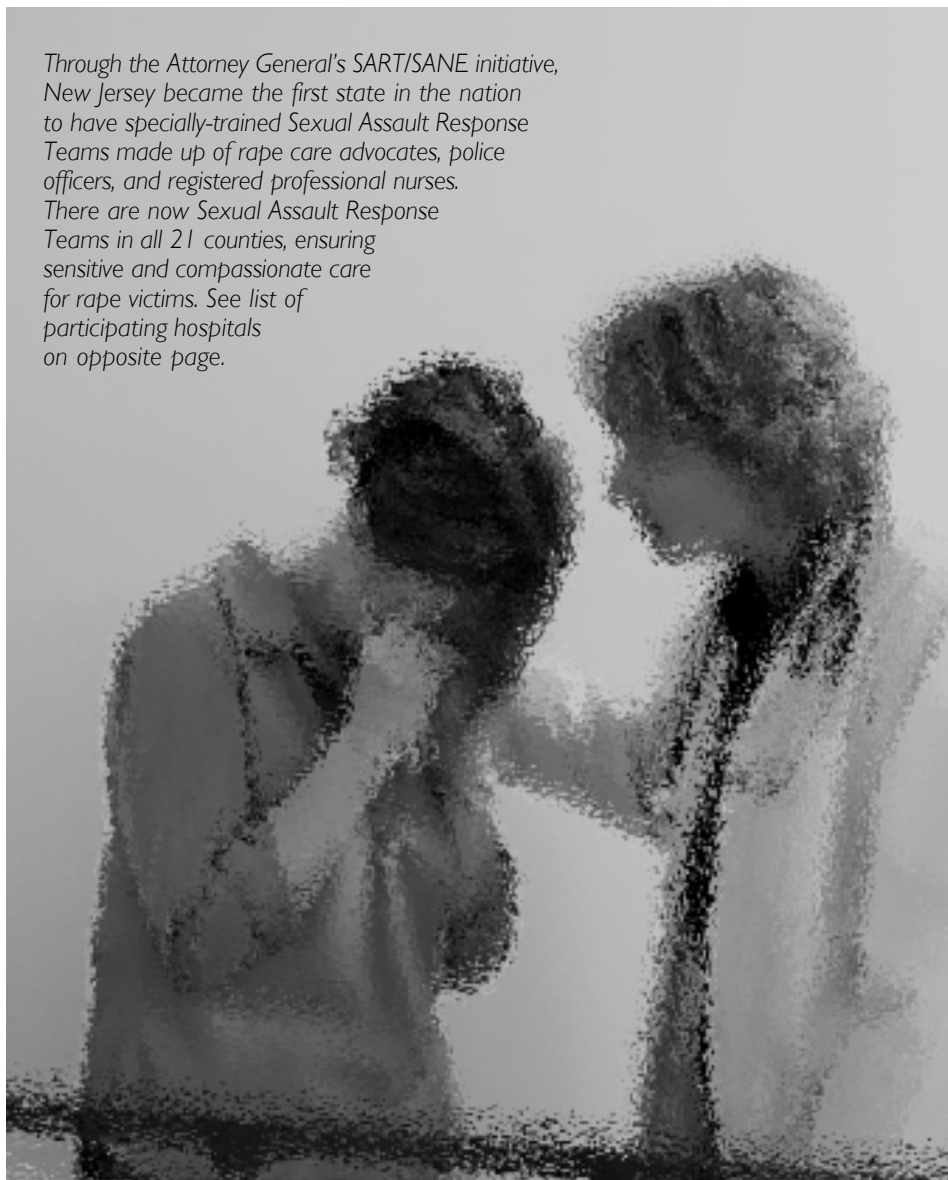
As part of the Attorney General’s effort to ensure quality leadership throughout the State Police organization, members of the State Police who are promoted to the rank of captain, major or lieutenant colonel are required to undergo training at the Executive Development Center of the Policing Institute at Rutgers University-Newark. A collaborative effort of the Attorney General’s Office and Rutgers, the Executive Development Center is designed to broaden the skills of state and local police in top administrative positions, and prepare them to address, from a leadership perspective, the complex challenges that confront police organizations in the 21<sup>st</sup> century. Taught by preeminent scholars and law enforcement practitioners, the core instructional course stresses the conceptual over the technical, and addresses such broad issues as leadership, diversity, managing change, and effective planning. The critical thinking, research, and problem-solving skills of State Police managers are strengthened through class discussions, case studies, group exercises and reading assignments. The cornerstone philosophy behind the Policing Institute’s Executive Development Center is that today’s world — and tomorrow’s as well — calls for law enforcement leaders who can take a broad view of their discipline, and who can genuinely understand the larger social context in which they work.



# Helping Survivors of Sexual Assault & Domestic Violence

## **SART/SANE Puts Sexual Assault Response Teams in all 21 Counties; Law Enforcement Training Focuses on Handling of Domestic Violence**

*Through the Attorney General's SART/SANE initiative, New Jersey became the first state in the nation to have specially-trained Sexual Assault Response Teams made up of rape care advocates, police officers, and registered professional nurses. There are now Sexual Assault Response Teams in all 21 counties, ensuring sensitive and compassionate care for rape victims. See list of participating hospitals on opposite page.*



### **Sexual Assault**

While the number of rapes and attempted rapes in New Jersey dropped by five percent in 2003, that trend probably did not offer much solace for the 1,300 persons who were victimized.

In the aftermath of being sexually assaulted, most survivors find themselves confronting a host of difficult — often overwhelming — legal, medical and psychological needs, and they require help.

Too often in the past, systems designed to help the survivors of rape have inadvertently created more stress in their lives by failing to achieve a needed balance between compassionate care and effective law enforcement follow-up.

All that changed in 2003-2004 with the announcement of New Jersey's first state-wide law enforcement initiative dedicated solely to ensuring compassionate, coordinated services for the survivors of sexual assault — the Attorney General's Sexual Assault Response Teams (SART) initiative.

Under the initiative, special Sexual Assault Response Teams are now stationed in all New Jersey counties. The teams are located within the 21 respective County Prosecutors Offices, and are made up of rape care advocates, law enforcement officers and registered professional nurses who serve as Sexual Assault Nurse Examiners (SANE).

The SART/SANE concept is founded entirely on a "team" approach, and one of its chief objectives is to ensure that every victim of sexual assault has access to quality health care treatment in a timely fashion. Victims no longer must wait hours for care in busy — often overcrowded — hospital emergency rooms. Instead, they are provided quick and thorough care in well equipped, specialized facilities.

Sexual Assault Nurse Examiners work

collaboratively with police officers and rape care advocates to provide the best services available. They are specially trained to provide comprehensive and sensitized care, while also ensuring that potential evidence is collected in a manner that is timely, precise, and in keeping with law enforcement protocols.

Rape Care Advocates are trained to provide support services for the victim through the medical and forensic examination, and beyond. Under the SART/SANE philosophy, the role of Rape Care Advocates is viewed as crucial to the post-victimization healing process. The job of a Rape Care Advocate is to focus solely on the needs of the sexual assault victim, whether those needs require crisis intervention services, counseling, referral to social service agencies or information on other available options.

An equally vital goal of SART/SANE is to enable law enforcement to obtain the evidence required to successfully investigate and prosecute sex offenders. Police assigned to Sexual Assault Response Teams receive specialized training in the area of investigating sex crimes. At the same time, the SART/SANE approach emphasizes the need to create an environment in which women can feel comfortable while taking part in the essential — but sometimes difficult and emotional — process of working with law enforcement investigators and prosecutors.

The guiding ethos is to try to eliminate any fears a rape survivor may harbor about being victimized a second time through interaction with police, prosecutors or others that is — or may seem to the survivor — insensitive, inappropriate, accusatory, or otherwise negative. The benefits are two-fold. First, it ensures that survivors will receive the kind of compassionate treatment they have a right to expect. Second, it often helps increase the comfort level, and the resolve, of survivors, making them better able to assist law enforcement in prosecuting their attackers.

Since its inception, the Attorney General's Office of Victim Witness Advocacy has provided more than \$3 million statewide for SART/SANE programs. As of the end of 2004, there were upwards of 200 Sexual Assault Nurse Examiners working out of 46 New Jersey hospitals. Combining 2003 and 2004, the SART/SANE program has helped approximately

1,000 rape survivors deal with the aftermath of their victimization.

The New Jersey SART/SANE initiative began as a pilot program in Monmouth County in 1996. The Legislature subsequently required all counties to institute a SART/SANE program. The Division of Criminal Justice within the Attorney General's Office oversees SART/SANE on a statewide basis, but each County Prosecutors Office is ultimately responsible for maintaining its own SART/SANE program.

## Domestic Violence

Consistent with its commitment to addressing all forms of violence against women, the Attorney General's Office also provides specialized training sessions for law enforcement personnel in dealing with domestic violence and related issues.

Twice a year, through its Division of Criminal Justice, the Attorney General's Office provides advanced, three-day training courses that help give law enforcement personnel a deeper understanding of the dynamics of domestic violence, knowledge of related laws, and a thorough grasp of the elements required to effectively investigate and prosecute domestic violence cases.

As is the case with sexual assault, domestic violence is a major priority of the Attorney General. Domestic violence puts lives in danger, and tears at the inner-fabric of families by creating an atmosphere of fear and isolation. In New Jersey alone, acts of domestic violence impact on an estimated 80,000 people each year — most of them women, children, and the aged. In one year (2002), 52 people died in New Jersey as the result of domestic violence, a 30 percent increase over the prior year.

Employing actors and skilled instructors, the three-day training course explores the full scope of the domestic violence problem. Moreover, it provides specialized instruction to law enforcement personnel at every level in dealing with a domestic-violence-related incident — from the initial call to police and techniques for investigating the matter, to recognizing the legal issues involved and prosecuting formal charges.

Victims of domestic violence in New Jersey are encouraged to call the New Jersey Domestic Violence Hotline at 1-800-572-SAFE.

## Statewide SART/ SANE Program — Participating Hospitals by County

<b>Atlantic</b>	<ul style="list-style-type: none"> <li>Atlantic City Medical Ctr., Atlantic City</li> <li>Atlantic Kessler, Hammonton</li> <li>Atlantic Shore Memorial, Somers Point</li> </ul>
<b>Bergen</b>	<ul style="list-style-type: none"> <li>Englewood, Englewood</li> <li>Hackensack, Hackensack</li> <li>Holy Name, Teaneck</li> <li>Pascack Valley, Westwood</li> <li>Valley, Ridgewood</li> </ul>
<b>Burlington</b>	<ul style="list-style-type: none"> <li>Our Lady of Lourdes Medical Ctr., Willingboro</li> <li>Virtua Hospital, Marlton</li> </ul>
<b>Camden</b>	<ul style="list-style-type: none"> <li>Virtua Hospital, Mount Holly</li> <li>Cooper Health Systems, Camden</li> <li>Kennedy Health Systems, Stratford</li> <li>Our Lady of Lourdes Medical Ctr., Camden</li> </ul>
<b>Cape May</b>	<ul style="list-style-type: none"> <li>Burdette Tomlin, Cape May Court House</li> </ul>
<b>Cumberland Essex</b>	<ul style="list-style-type: none"> <li>Regional Medical Ctr., Vineland</li> <li>Clara Maass, Belleville</li> <li>Hospital of the University of Medicine &amp; Dentistry, Newark</li> <li>Newark Beth Israel, Newark</li> <li>St. Barnabas, Livingston</li> </ul>
<b>Gloucester</b>	<ul style="list-style-type: none"> <li>Kennedy Memorial, Washington Twp.</li> <li>Underwood-Memorial, Woodbury</li> </ul>
<b>Hudson Hunterdon Mercer</b>	<ul style="list-style-type: none"> <li>Christ, Jersey City</li> <li>Hunterdon Medical Ctr., Flemington</li> <li>Capital Health System-Mercer Campus, Trenton</li> <li>Capital Health System-Helene Fuld, Trenton</li> <li>Princeton Medical Ctr., Princeton</li> <li>Robert Wood Johnson, Hamilton</li> </ul>
<b>Middlesex</b>	<ul style="list-style-type: none"> <li>Middlesex County Public Health Department, Edison</li> <li>Robert Wood Johnson, New Brunswick</li> </ul>
<b>Monmouth</b>	<ul style="list-style-type: none"> <li>Bayshore Community, Holmdel</li> <li>CentraState Medical Ctr., Freehold</li> <li>Jersey Shore Medical Ctr., Neptune</li> <li>Monmouth Medical Ctr., Long Branch</li> <li>Riverview Medical Ctr., Red Bank</li> </ul>
<b>Morris</b>	<ul style="list-style-type: none"> <li>Chilton Memorial, Pompton Plains</li> <li>Morristown Memorial, Morristown</li> <li>St. Claire's, Denville</li> <li>St. Claire's, Dover</li> </ul>
<b>Ocean</b>	<ul style="list-style-type: none"> <li>Community Medical Ctr., Toms River</li> <li>Kimball Medical Ctr., Lakewood</li> <li>Brick Hospital, Brick</li> <li>Southern Ocean Community, Manahawkin</li> </ul>
<b>Passaic</b>	<ul style="list-style-type: none"> <li>St. Joseph's Hospital, Paterson</li> <li>The General Hospital, Passaic</li> </ul>
<b>Salem Somerset</b>	<ul style="list-style-type: none"> <li>Regional Medical Ctr., Vineland</li> <li>Somerset Medical Ctr., Somerville</li> <li>Women's Health &amp; Counseling Ctr., Somerville</li> </ul>
<b>Sussex</b>	<ul style="list-style-type: none"> <li>Newton Memorial Hospital, Newton</li> <li>Sussex Hospital, Sussex</li> </ul>
<b>Union</b>	<ul style="list-style-type: none"> <li>Muhlenberg Regional Medical Center, Plainfield</li> <li>Overlook Hospital, Summit</li> <li>Rahway Hospital, Rahway</li> <li>Trinitas Hospital, Elizabeth</li> </ul>
<b>Warren</b>	<ul style="list-style-type: none"> <li>Warren Hospital, Phillipsburg</li> <li>Hackettstown Community Hospital, Hackettstown</li> </ul>





# Fighting Public Corruption

## Veteran N.J. Legislator Was Guilty of Misusing Campaign Funds; Other Probes Meant Jail Time for Hainesport Mayor, Motor Vehicle Commission Workers

On November 19, 2004, Assemblyman Anthony R. Improvuto pleaded guilty in New Jersey Superior Court to state criminal charges related to his misuse of campaign funds for personal expenses. The case was a milestone for the Attorney General's Office.

In successfully pursuing a criminal accusation that would ultimately force Improvuto from office, place the veteran lawmaker on probation for five years and require that he repay \$50,000 in illegally spent campaign funds, Attorney General Harvey made New Jersey history. No other Attorney General had ever successfully prosecuted a sitting member of the Legislature.

For taxpayers and public officials alike, the message was clear: the Attorney General's Office places a high priority on ensuring integrity at all levels of public service.

On April 8, 2004, former Hainesport, Burlington County, Mayor Ronald Corn was sentenced to five years in prison for setting up an unauthorized "Mayor's Fund" into which taxpayer dollars were channeled for personal use. As part of the same investigation by the Division of Criminal Justice within the Attorney General's Office, Hainesport's former municipal finance officer, Kristine Wisniewski, was sentenced to three years in prison. State investigation found that approximately \$339,000 in funds from municipal accounts was diverted to the secret "Mayor's Fund" and subsequently used by Wisniewski and Corn for personal expenses. Both defendants were ultimately granted early release from prison upon being accepted into the state's Intensive Supervision Program for certain eligible offenders, but their public reputations were tarnished, they were barred from future public employment, and they incurred fines and stiff restitution requirements imposed by the court (\$180,000 restitution for Wisniewski, nearly \$61,000 for Corn).

Highlights of other significant public corruption cases from 2003-2004 included:

### ❖ Commerce Commission Indictment —

As part of an ongoing investigation into the New Jersey Commerce and Economic Growth Commission, the Division of Criminal Justice's Special Prosecutions Bureau obtained a 16-count indictment in 2004 charging the Commission's former chief of staff and two family members hired as "consultants" with official misconduct, theft and tampering with public records to cover up their alleged illegal acts. The indictment charged that thousands of dollars in public money was paid to the family members of the Chief of Staff for "consulting" work that was either duplicative, or was never done at all.

### ❖ DRBA Official Guilty on Felony Charges —

The Attorney General's Office played a key role in developing the evidence that led to the 2004 conviction of Michael E. Harkins, former Executive Director of the bi-state Delaware River and Bay Authority, on

## Official charged in theft of funds

Allegedly paid mom, sister for no work

By JEFF PILLETTS  
TRENTON BUREAU

A top official of the state Commerce Commission gave no-bid, no-work "consulting" contracts to her mother and sister and fabricated memos to cover up the scheme, according to an indictment announced Monday by the Attorney General's Office.

Lesly Devereaux was charged with 16 counts of official misconduct, conspiracy and theft.

## Painting firm admits fraud

Contractor lied to schools about wages

By KIBRET MARKOS  
and BRIAN KLADKO  
STAFF WRITERS

The co-owners of a painting company admitted in court Thursday that they netted \$1.5 million by deceiving three school districts, including Ridgewood and Paterson.

Jose LaGreco, 53, and Charles Paraboschi, 65, told a Superior Court judge in Hack-



## Plea deal is set in school

By DEANGLASS CROUSE  
STAFF WRITER

MIDDESTOWN — Two private school administrators admitted Monday that they created no-show jobs for relatives

state Superior Court, both men will lose their education licenses and must relinquish all financial interests in the four co-qualifying Windsor Schools in Paterson and

during sentencing June 16. Each also will be held accountable, based on their salaries, if the co-founders and the school corporations fail to repay the stolen funds.

## Newark cops indicted

Pair netted in state corruption probe

By BARRY CARTER  
STAR-LEDGER STAFF

Two Newark cops were indicted yesterday on charges who knew the city's police

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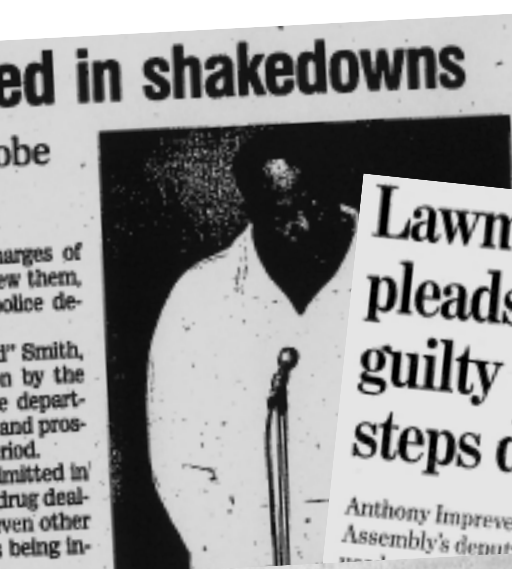
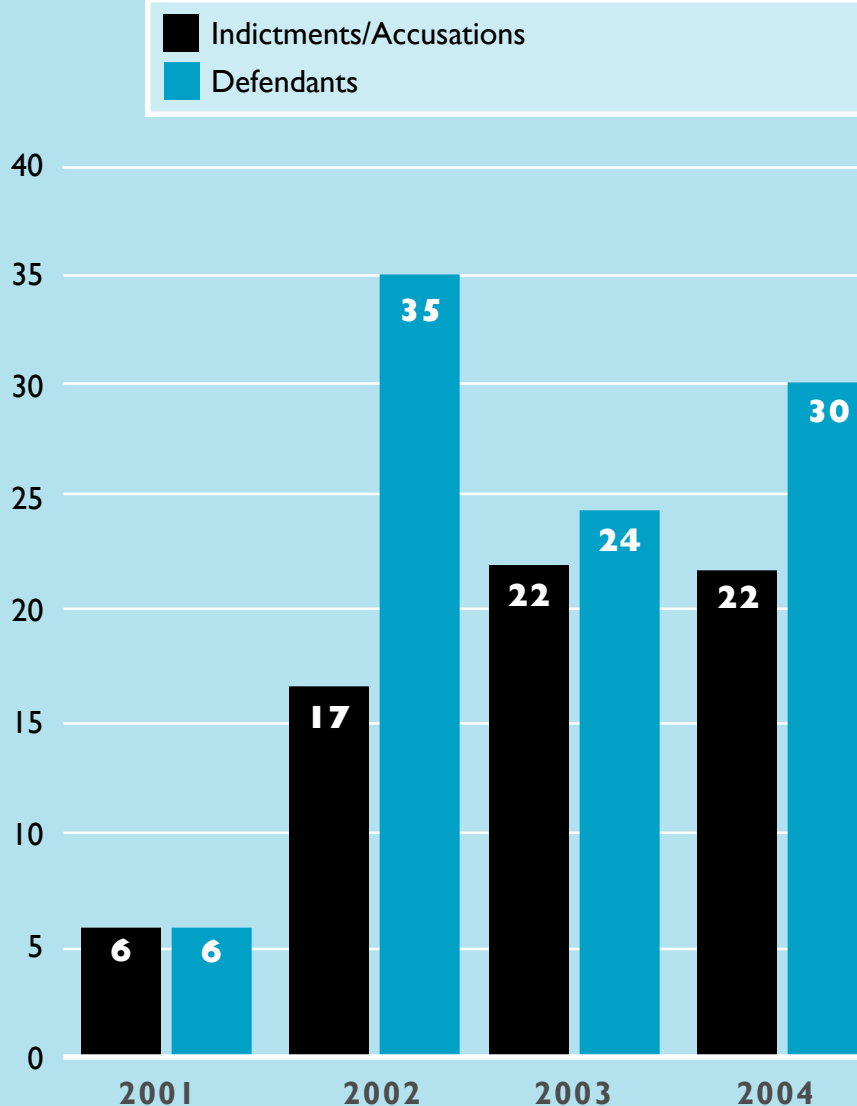
Windsor co-founders facing 7

felony charges relating to corrupt conduct in office. Harkins used a plane piloted by a DRBA employee to attend sporting events and non-business-related social functions, and used DRBA funds to pay for private meals, hotel rooms and limousine costs.

#### ❖ Motor Vehicle Commission Document Fraud Cases —

The Division of Criminal Justice successfully prosecuted more than 100 defendants — including 16 former New Jersey Motor Vehicle Commission employees — who were involved either in the theft of MVC customer payments while they were employees, or in selling and otherwise providing MVC documents to persons who did not meet the State's legal identification requirements. Sentences imposed by the courts ranged from 364 days in a county jail to 10 years in State Prison and, in some cases, hundreds of hours of community service. Convicted MVC employees were barred from holding future government employment.

### Public Corruption Case Statistics



### Lawmaker pleads guilty and steps down

Anthony Impreveduto, the Assembly's deputy speaker, pleads guilty to accepting bribes.

### The New York Times Former Officer In Newark Pleads Guilty To Corruption

By RONALD SMOTHERS and JASON GEORGE

TRENTON, Sept. 21 — A former Newark police officer pleaded guilty in a Mercer County courtroom on Thursday to being part of a group of rogue officers who terrorized drug dealers and other criminal suspects over a two-year period, stealing their money, rigging their up and then covering up their crimes by filing false reports. The former officer, Tyrone M. Dudley, 33, had served in the department for seven years, until last June. He pleaded guilty to conspiracy as part of a plea agreement with the New Jersey Superior Court judge. Linda Dudley described how he and other officers had intended to steal from 2002 and last March. I had lied in March.



Tyrone M. Dudley said officers were involved in

### Ex-mayor admits hefty slush fund

Hainesport's Corn risks 10 years

BY JONATHAN SCHUPPE SEAR-LEADER STAFF  
The former mayor of a small Burlington County town yesterday admitted embezzling more than \$139,000 from public accounts and using the money for golf outings, parties, meals and other personal expenses. Ronald Corn told a Superior Court judge that he and his Hainesport Township finance committee had used a secret bank account where the town's money was hidden.

# Prosecuting Securities Fraud

## New Jersey Played Key Role in Holding Investment Firms, Brokers Accountable; Fraud Investigations Led to Restitution, Significant Industry Reforms

In June 2004, Attorney General Harvey was invited to testify before the U.S. Senate Committee on Banking, Housing and Urban Affairs concerning the vital role of the states in regulating securities and protecting investors. The invitation was not a coincidence. In 2003-2004, the New Jersey Attorney General's Office made securities enforcement and investor protection a chief objective. Working through its New Jersey Bureau of Securities, the OAG posted an impressive record of accomplishment in investigating securities fraud, and in prompting corporate reforms that brought greater integrity to the industry.

Bolstered by an infusion of staff and other resources, the Bureau of Securities played a leadership role in an April 2003 settlement between securities regulators and 10 major Wall Street firms regarding stock analyst practices. New Jersey served as co-chair of the Steering Committee for the multi-state task force that investigated the Wall Street firms. New Jersey also led an investigation of Bear, Stearns & Co. that ultimately yielded important industry reforms. Those reforms were designed to ensure that stock analysts are not pressured by

firms who employ them to report favorably on stocks and bonds offered by the firms' investment banking clients.

In June 2004, the Attorney General's Office reached a major settlement with Allianz Dresdner Asset Management and two affiliated companies. The \$18 million settlement involved the largest penalty ever collected by the State in a securities case. The settlement resolved allegations that Allianz Dresdner and the other firms allowed a large investor to "market time" more than \$4 billion in transactions related to their mutual funds in violation of fund policies, and to the detriment of long-term investors.

The settlement also required defendants to make in-house changes to ensure that portfolio managers function independently of business managers, and that funds comply with their own policies barring market timing.

In addition to these milestones, New Jersey filed eight major securities fraud complaints involving more than \$160 million in investments, including:

- ❖ **A June 2003 lawsuit against more than a dozen North Jersey companies and their principals for allegedly stealing tens of millions of dollars from investors.** The scheme's principal architect was Thomas Giacomaro, who has pleaded guilty to charges of money laundering brought by the Division of Criminal Justice, as well as federal charges of mail fraud and tax evasion. Among the victims was best-selling author Mary Higgins Clark.

- ❖ **A December 2003 lawsuit against Michael R. Casey, of Upper Saddle River, seeking restitution for at least 195 investors** who allegedly were defrauded of up to \$15 million in a real estate investment scheme run by Casey. Casey is accused of setting up a complex network of business entities to front his scheme, and recruiting investors through his tax preparation business, as well as through a series of investment workshops.
- ❖ **A February 2004 suit against Brick resident George F. Gaffney, who allegedly stole in excess of \$350,000 from more than 200 people who invested in his patented invention,** a system of straps hitched to anchors in the ground designed to tie down portable structures and large personal items during storms.
- ❖ **A February 2004 suit against three men and their companies, including Clover Management Group of Fort Lee, for allegedly defrauding British investors of more than \$55 million.** The defendants claimed to offer defense industry investments that would provide strong returns while aiding the British and U.S. war effort in Iraq, and the war on terrorism. Seized defendant assets included a \$2 million yacht, bank accounts and luxury cars.
- ❖ **In April 2004, the Attorney General's Office and the Bureau of Securities obtained a court order freezing the assets of Richard Thomas Geck of Toms River, as well as his firm, Cobalt Investors Services Inc. of Manasquan,** after the filing of a State complaint alleging that Geck swindled at least seven elderly women out of more than \$360,000 in retirement savings.





The Attorney General's Office repeatedly made headlines during the past two years through its aggressive prosecution of unlawful and unethical conduct within the securities investment industry.

## 3 men invoked war on terror in \$55M scam, N.J. charges

By KEVIN G. DeMARRAIS  
STAFF WRITER

## Merrill Lynch paying fines to N.J., Conn. \$13.5M settles market-timing charges lodged against Bergen County brokers

BY JOSEPH R. PERONE  
STAR-LEDGER STAFF

Merrill Lynch agreed to pay \$13.5 million in fines for failing to supervise three Bergen County financial advisers who engaged in improper trading of mutual funds, officials announced yesterday.

The New York-based brokerage firm, which neither admitted nor denied the allegations, will pay a \$10 million civil

penalty to the New Jersey Bureau of Securities, the state of Connecticut and the New York Stock Exchange.

Merrill Lynch brokers engaged in market timing using accounts held for a single hedge fund client, identified as Millennium Partners, according to state Attorney General Peter Harvey.

In this case, the brokers bought and sold some funds up to 50 times a year, though mutual funds typically limit moves to a half-dozen a year, Harvey said.

"It hurts the long-term investor you or me to have market timers that, because it makes mutual funds volatile and increases the risk of

## AG charges fraud was family affair

BY TOM JOHNSON  
STAR-LEDGER STAFF

A New York City man, several members of his family and dozens

County, include Joseph Greenblatt; his wife, Alexandra Horvath; his father, Max Greenblatt; the estate of Joseph Greenblatt's mother, Vera Greenblatt; and Michael Greenblatt.

City secured by "safe" first mortgage.

More than 100 investors were promised 14 percent interest plus additional profits when the build-

The defendants placed newspaper ads offering interests in "safe" mortgages in California, Florida, Massachusetts, New York and New Jersey, according to the securities

THE WALL STREET JOURNAL

C4 WEDNESDAY, FEBRUARY 18, 2004

## Pimco Advisers Charged With Fraud

New Jersey Claims Firm Allowed Improper Trading Of Bond and Stock Funds

### State charges ex-lawyer with \$42M fraud

Lawsuit seeks restitution in alleged real estate scam

By KEVIN G. DeMARRAIS  
STAFF WRITER

Joseph Greenblatt committed "massive fraud" while working out of his Paramus real estate office over the past decade, according to a lawsuit filed yesterday.

are units of German insurer Allianz AG.

In a statement yesterday, the independent trustees of the Pimco funds said New York-based PEA would repay the funds affected \$1.6 million for harm caused by the trading known as market timing.

But the complaint filed in New Jersey Superior Court yesterday goes beyond the activities acknowledged by Pimco Funds last week. In addition to the alleged market timing of stock funds, the suit contends that improper trading was allowed in a pair of bond funds run by Pimco.

Investigators for New Jersey Attorney General Peter C. Harvey also contend that Canary—the hedge fund that was the first to be charged in the fund-trading scandal that began in September 2002 and September 2003. Canary made more than 200 market-timing trades with a total value of over \$4 billion, the suit said.

In exchange, the New Jersey complaint said, Pimco Funds accepted tens of millions of dollars in so-called sticky commissions from the hedge fund.

of providing nonpublic information about the holdings of its fund portfolios to a brokerage firm with close ties to Canary.

While PEA agreed to pay \$1.6 million to the Pimco funds, the investment advisory firm said it believed that in certain cases the market timing actually benefited long-term fund shareholders.

The complaint contends that the trading allowed by Pimco violated the prospectus language for both the firm's stock and bond funds. Pimco's prospectus said the firm could block market timers if the trading was detrimental or the timer made more than six in-and-out trades in any 12-month period.

Regulators also accused Pimco of providing nonpublic information about the firm's stock funds to Brean Murray Inc., a brokerage firm through which Canary was introduced to Pimco. Brean Murray wasn't charged in the New Jersey complaint. A representative of Brean Murray didn't return a call seeking comment.



Journal Link: WSJ.com  
subscribers can see a scorecard of the latest developments for the

# Best in the Nation Prosecuting Insurance Fraud

## OIFP Personnel, Public Awareness Efforts Garnered Industry Awards; Prosecutions Yielded Tough Jail Sentences, Orders for Restitution Payments

Through effective outreach, tireless investigative activity and a track record of successful prosecutions, the New Jersey Office of the Insurance Fraud Prosecutor (OIFP), part of the Division of Criminal Justice within the Attorney General's Office, continued to serve as a national model for combating insurance fraud. In 2004 the Coalition Against Insurance Fraud, an independent Washington D.C.-based insurance fraud monitor, ranked New Jersey's OIFP the top insurance fraud prosecuting office in the United States.

The OIFP and its staff also received awards in 2004 from the International Association of Arson Investigators, the International Association of Special Investigative Units, the United States Social Security Administration, and the New Jersey Vehicle Theft Investigators Association. In addition, OIFP's public awareness campaign garnered industry honors for its creativity and effectiveness, and officials from throughout

the international fraud-fighting community continued to call upon the OIFP for guidance and assistance.

But industry accolades are not as reliable a yardstick as successful prosecutions.

In 2004, the OIFP obtained 177 insurance fraud convictions, obtained sentences of jail or state prison for fraud defendants totaling 206 years, and obtained court orders for more than \$16 million in defendant restitution payments — more than double the amount of restitution payments ordered for fraud defendants in 2003. In addition, the total jail and prison sentences imposed against OIFP defendants in 2004 represented an increase of more than 70 percent compared to the prior year.

"The results are clear — the OIFP continues to have a significant impact on insurance cheats. Just as importantly, OIFP's fraud-fighting efforts have bolstered industry confidence," said Attorney General Harvey.

In 2004, the OIFP successfully infiltrated

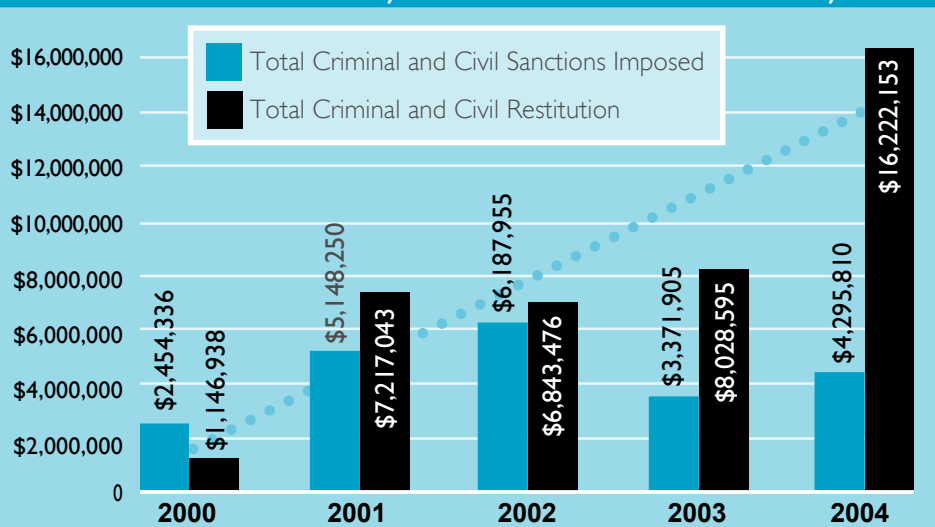
a "staged accident" insurance fraud ring headed by "kingpin" Anhuar Bandy, of New Brunswick, ultimately dismantling the ring and convicting Bandy. As a result, Bandy was sentenced to 29 years in State Prison. The case represented New Jersey's first-ever successful prosecution of a staged accident ring as a criminal racketeering enterprise.

The OIFP also obtained a guilty verdict in a case against Linda Clements-Wright, of Sicklerville, Camden County, an insurance company claims specialist who stole nearly \$600,000 in bogus claim settlement monies.

The agency also obtained a guilty verdict in its prosecution of Eliezer Martinez, a Medicaid provider who submitted nearly \$140,000 in fictitious counseling claims to the Medicaid program. Martinez submitted the bogus claims while acting in his capacity as owner and chief executive officer of Hispanic Counseling Center and Family Services of New Jersey, Inc., located in the City of Camden.

*Statistical bar charts (at right and adjacent page) reflect the increasing effectiveness of the Office of Insurance Fraud Prosecutor. In 2000, state prosecutions for insurance fraud resulted in 17 defendants being sentenced to jail, and approximately \$1.1 million in court-ordered restitution. In 2004, prosecutions for insurance fraud sent 134 defendants to jail, while court-ordered restitution topped \$16 million.*

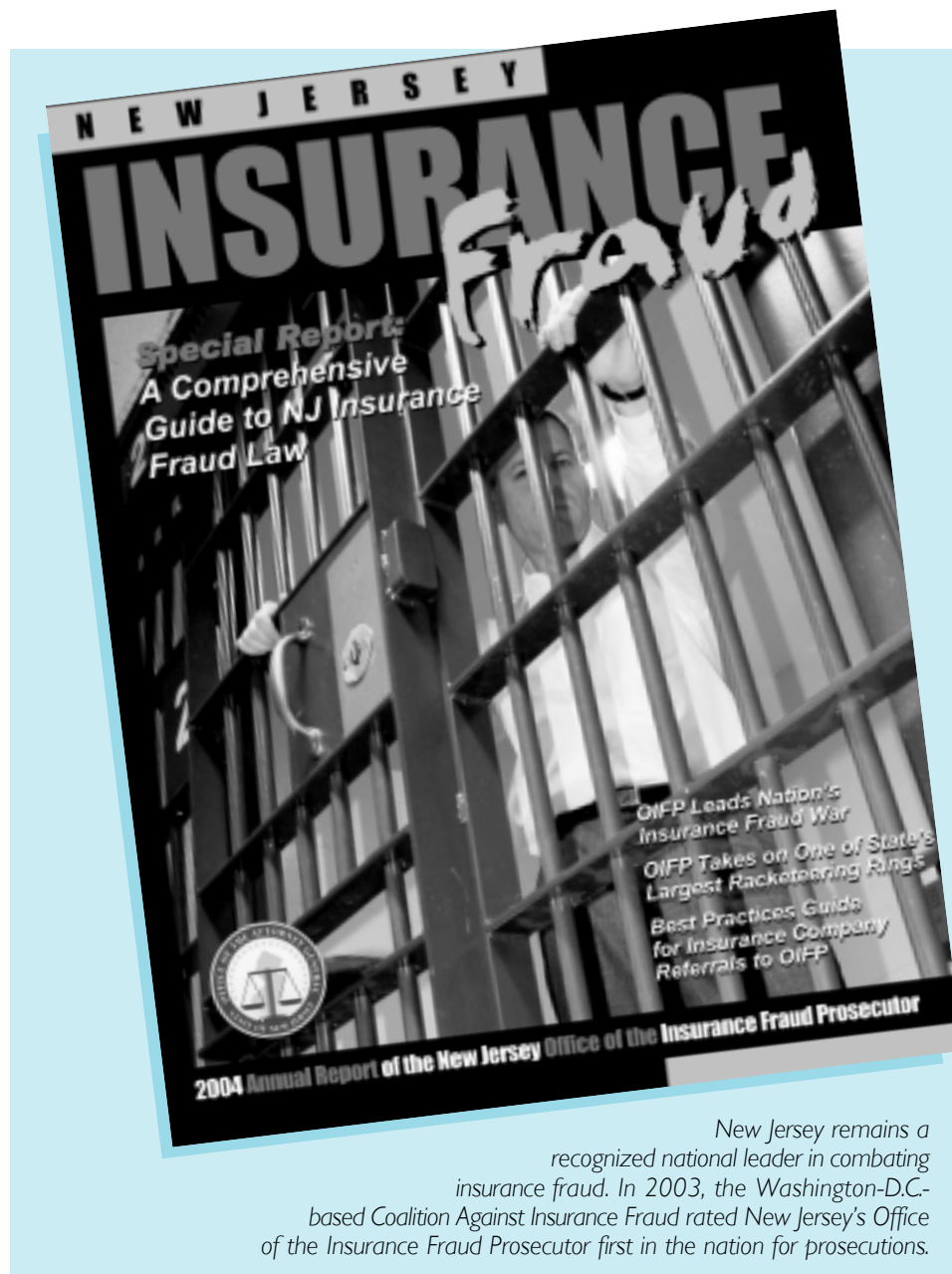
OIFP Criminal & Civil Monetary Sanctions and Restitution Summary





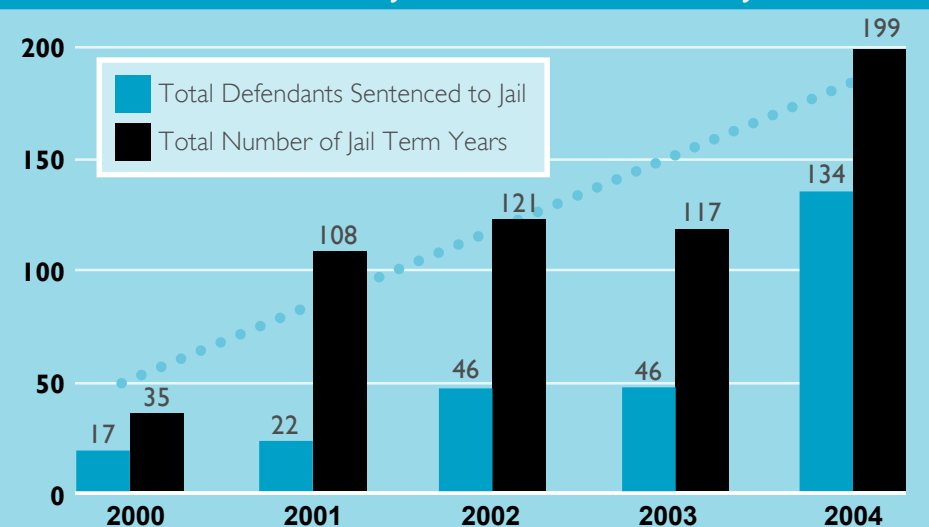
Other OIFP case highlights included:

- ❖ **The June 2004 sentencing of a Burlington County husband and wife to jail and restitution** for over-billing the Medicaid program more than \$22,000 for services related to transporting Medicaid patients via their Camden-County-based medical transport business, H&B Medical Transportation Services, Inc. Harvey Lee Bellamy, Jr., 41, of Mt. Holly, was sentenced to three years in State Prison for his role in the fraudulent billing activity while Bellamy's wife, Bernice Bellamy, was sentenced to five years probation. Both defendants were ordered to pay restitution to be determined by the Court, and were barred from participating in the Medicaid Program for at least five years.
- ❖ **The sentencing, in March 2004, of a former law enforcement officer who masterminded an "arson for profit" insurance scheme** that involved at least 10 Mercer County arson fires and netted more than \$500,000 in settlement claims. OIFP defendant Marc Rossi, a former investigator for the Mercer County Prosecutors Office, was sentenced to eight years in State Prison after pleading guilty to charges of arson, conspiracy to commit arson, bribery, theft and theft by deception. The defendant was also ordered to pay a \$50,000 civil insurance fraud fine, and to pay \$537,673 in restitution to six different insurance providers.



*New Jersey remains a recognized national leader in combating insurance fraud. In 2003, the Washington-D.C.-based Coalition Against Insurance Fraud rated New Jersey's Office of the Insurance Fraud Prosecutor first in the nation for prosecutions.*

**OIFP Defendants Sentenced to Jail Time & Total Number of Jail Term Years**



# Safeguarding Civil Rights

## AG Targeted Discrimination in Housing, Employment, Public Facilities; Settlements Brought Deaf Captioning, DVS for the Blind to Movie Theaters;

### Housing Discrimination Suits

In 2004 the Attorney General's Office, through its Division on Civil Rights (DCR), settled four separate "Section 8" housing discrimination cases involving New Jersey landlords and real estate professionals. The four Respondents who agreed to settle included: Atlantic Coast Realty of Brigantine, Clinton Manor Associates LLC, owner of Clinton Manor, Clinton, 599 Broadway Management, owner of Broadway Towers, Paterson, and Garden State Realty, East Orange.

Filed in 2003, the original complaints were the first brought under a new State law, drafted by the Attorney General's Office, that

prohibits housing discrimination by landlords on the basis of a tenant's source of lawful income, or rental subsidy. As a result of the four settlements, New Jersey was paid approximately \$80,000 that will be used to further the cause of civil rights. Just as importantly, the settlements required each Respondent to sponsor training on the New Jersey Law Against Discrimination (LAD) for employees, and to prominently display information on the use of federal Section 8 rental assistance vouchers.

In another important housing case, DCR reached a settlement with the owners of the Highgate Apartments in Ewing, Mercer County. Originally prosecuted after white

and black "testers" from the Division on Civil Rights received allegedly disparate treatment when inquiring about available housing, owners Eastgate-Highgate Associates agreed to pay the State \$25,000 in investigative and monitoring costs, to submit to State monitoring of rental practices, and to sponsor training for employees on the LAD in general, and housing discrimination in particular.

### Employment/Public Accommodation Suits

The Attorney General's Office and the Division on Civil Rights also took these actions regarding employment discrimination:

- ❖ **Reached settlement with a Morris County car dealership, Route 23 Honda of Pompton Plains, concerning allegations that a Hispanic management employee was discriminated against because of his ethnicity.** Under terms of the settlement, the dealership agreed to have management staff undergo anti-discrimination training.
- ❖ **Civilly prosecuted the former Le Terrace Swim Club in Nutley, Essex County, for discriminating on the basis of race and/or ethnicity by advising members that it is a "Europeans only" club,** and informing one member who wanted to invite certain children to her daughter's birthday party that those child guests would not be welcome at the club because of their race and/or ethnicity. The club denied all charges. However, the former owner entered into a settlement agreement requiring that the club pay the State \$15,000, provide the DCR with a list of all membership applications it received, report the final disposition of every application, provide an explanation for each rejection and have all paid and unpaid staff undergo annual training by the DCR. Following the settlement with DCR, LeTerrace closed down and the business was sold.

**Housing Discrimination is Illegal**

Here is How the State of New Jersey is Working to Stop Illegal Housing Discrimination

**Stronger, More Comprehensive Housing Laws**  
In September 2003, Governor James E. McGreevey signed into law a new housing bill making it illegal to discriminate against individuals based on their use of federal rental assistance vouchers and/or other lawful sources of income. Armed with this new law, the NJ Division on Civil Rights filed complaints against realty companies and apartment complexes in several counties, for allegedly refusing to rent or show housing units to applicants who intended to pay using federal "Section 8" rental assistance vouchers. New Jersey also enacted amendments to the state anti-discrimination statute to ensure that its protections are as broad as those in federal law.

**Stronger Monitoring of Housing Rental Activity**  
New Jersey regulations require that all owners of complexes with 25 or more apartments must annually file reports with the state with important information about their tenants and applicants listed the Multiple Dwelling Reporting Rule, or "MDRR", to help monitor housing trends and diversity in apartment buildings. In February 2003, the state's Division on Civil Rights filed lawsuits against 163 landlords alleging violations of the state's MDRR regulations.

**New Specialized Housing Investigations Unit Has Been Established**  
Armed with stronger laws signed by Governor McGreevey over the past year, through Attorney General Peter C. Harvey's prioritization of housing discrimination prosecution, the NJ Division on Civil Rights has established its first-ever Housing/MDRR Special Investigations Unit, which is charged with aggressive investigation of housing discrimination complaints.

**Continued Enforcement of State Law and Education of the Public**  
Through a variety of outreach strategies including training programs, seminars and publications, the NJ Division on Civil Rights is continuing its effort to combat housing discrimination.

Call the NJ Division on Civil Rights At:  
(609) 405-3050 (toll free)  
(609) 292-7785 (TTY)

Visit our Web site at:  
[www.NJCivilRights.org](http://www.NJCivilRights.org)

Division on CIVIL RIGHTS

*A movie-goer watches the hit film "The Incredibles" in a theater using Rear Window® Captioning technology. In Rear Window® Captioning, movie dialogue is projected from a location behind the audience, and can be read by individual viewers using a reflector device that fits into the cup holder of their seats.*



❖ **Civilly prosecuted the owner-operator of the Off Shore Motel in Rio Grande, Cape May County, for discriminating against a legally blind traveler by refusing accommodations to him and his specially-trained and registered guide dog.**

DCR issued a Finding of Probable Cause in the case in October 2003. The case was ultimately resolved through the Conciliation process, with the blind individual receiving a \$5,000 settlement payment. DCR received \$2,000 as part of the settlement, which went to cover legal and administrative costs, as well as to fund training on the use of guide dogs.

❖ **Enhancing access to public facilities for persons with disabilities.** For example, working with the Attorney General's Division of Elections, the DCR launched an effort to inspect polling locations throughout the State to ensure they are 100 percent accessible to disabled voters. In addition, the DCR hosted two public forums in 2004 — one in Camden County, one in Essex County — dedicated to exploring the rights and the concerns of those who are deaf and hard of hearing.

## Movie Theater Initiative

**Chinatown. In the Heat of the Night. Spiderman. Lord of the Rings. Star Wars.**

Throughout their history, first-run movies — and the excitement of seeing them in a theater setting — have remained a unique shared reference point in American culture.

According to the most recent United States census, there are about 243,000 visually impaired persons living in New Jersey and approximately 39,000 persons who are legally blind. About 9 percent of the State's 8-million-plus residents have some degree of hearing loss. However, these disabilities need not prevent anyone from enjoying a first-run movie in a neighborhood theater.

In 2004, the Attorney General's Office and the Division on Civil Rights spearheaded a legal initiative that helped ensure that persons

with disabilities would have the same opportunity to enjoy first-run movies as everyone else.

Through settlement agreements with four major theater chains — American Multi-Cinema (AMC), Loews Cineplex Theaters, Clearview Cinemas and National Amusements — the State brought cutting-edge deaf captioning technology to multiplex theater screens across New Jersey. In addition, AMC, Clearview and National Amusements agreed to install technology that enables the blind and visually impaired to better follow the action of a movie through special narration provided via audio headset.

As a result, New Jersey went from having three screens that offered new captioning technology for the deaf and hard of hearing to 38 screens — more than any other state.

At the same time, AMC, Clearview and National Amusements agreed to install a technology to accommodate the blind and visually-impaired known as DVS® (Descriptive Video Service) Technology.

Meanwhile, the Attorney General's Office filed suit against the Tennessee-based Regal Cinemas theater chain after Regal declined to install either deaf captioning technology or systems to accommodate the blind in its New Jersey multiplexes. The complaint charged Regal with violating the Law Against Discrimination. As of this writing, the Regal matter remains in mediation.

In each case, the four participating theater chains chose a form of closed captioning known as Rear Window® Captioning. However, the Attorney General's Office made plain that it viewed either Rear Window® Captioning or another approach, known as

Open Caption Projection, as "reasonable" accommodations for the deaf and hard of hearing, and had no preference.

Regal, meanwhile, declined to install DVS®. Regal also refused to install Rear Window® Captioning or Open Caption Projection to accommodate the deaf, apparently preferring a form of captioning known commonly as ordinary "open captioning."

"Despite the power of movies to entertain us, inspire us, and connect us as human beings, the movie-going experience has remained difficult to access for a significant population — millions of people in the United States who are deaf or hard of hearing, blind or visually impaired," said Attorney General Harvey. "In New Jersey, we are now changing that forever."

# Getting Out the Vote

**PSAs, Hip-Hop Summit Led Successful “Be Powerful, Be Heard” Campaign; NJ Added 463,000 New Voters; 73% Turn-Out for 2004 Election Best in Many Years**

Attorney General Peter C. Harvey (above, second from left) responds to a student question during the live, interactive “Web cast” phase of the April 2004 kick-off event for New Jersey’s “Be Powerful, Be Heard” pro-voting campaign. With AG Harvey are actor William Baldwin (left), popular music impresario Russell Simmons (immediate right) and The Reverend Run, formerly “Run” of the hip-hop recording act Run-DMC (far right).

Held at the War Memorial in Trenton (opposite page), the September 2004 Hip-Hop Summit drew nearly a thousand voting-age young people from throughout the State, and was seen via Internet Web cast by thousands more. The Summit brought together top hip-hop recording artists and representatives of government, as well as voting-age and soon-to-be-voting age students for a candid discussion about democracy, governance and the electoral process.



The statewide awareness campaign that would mobilize New Jersey’s young people and spark the State’s largest General Election turn-out in more than a decade began on April 7, 2004.

On that day, a diverse collection of celebrities from the worlds of film, hip-hop music and television joined Attorney General at the New Jersey Performing Arts Center in Newark for the kick-off of the State’s “Be Powerful, Be Heard” voter awareness drive.

The impressive list of celebrities on hand to launch the “Be Powerful, Be Heard” campaign included hip-hop music impresario Russell Simmons, actor William “Billy” Baldwin, and The Reverend Run — formerly “Run” of the pioneering 1980s rap act Run-DMC. Also attending were comedian Joe Piscopo, star from NBC’S Saturday Night Live, and featured cast members from HBO’s runaway hit TV series “The Sopranos,” including actors Al Sapienza and Federico Castelluccio. The celebrities — virtually all of whom were either born in New Jersey or had some other connection to the state — offered formal remarks about the importance of voting, and took part in an interactive program that linked them for discussion with elementary, middle, high school and college students throughout the state via live Internet video stream.

Well-attended and packed with star

power, the “Be Powerful, Be Heard” kick-off was by any measure a success, but it was only the beginning.

Using funding obtained through the federal Help America Vote Act (HAVA), the Attorney General’s Office continued working throughout 2004 to spread awareness about the importance of voting, to disseminate useful information concerning how to register to vote, and to ensure that the voting process in New Jersey is as inclusive and user-friendly as possible.

Ultimately, the State registered 463,000 new voters in time for the 2004 General Election, pushing New Jersey’s total number of registered voters beyond the 5 million mark, and setting the stage for a Presidential Election Day turnout of 73 percent - the highest voter turn-out in the state since 1992.

Highlights from 2004 included:

❖ **Celebrity Public Service Announcement (PSA) Campaign** —

Through an ambitious campaign to recruit celebrity volunteers from the worlds of music, movies and sports, the Attorney General’s Office filled the airwaves, the Internet, and even first-run movie screens with compelling celebrity appeals to “Be Powerful, Be Heard” by voting in 2004. Actor and Newark native Jason Alexander, best known for his role



as “George Costanza” in the popular TV comedy “Seinfeld,” was among the first celebrities to donate his time to the cause. Amusing and informative, the Alexander PSA ran not only on television, but aired on 147 movie screens across New Jersey. A series of equally effective volunteer PSAs followed — produced in English and Spanish — featuring a cross-section of stars including hip-hop recording artist and actress Queen Latifah, actor Michael Douglas, rappers MC Lyte and Doug E. Fresh, NBA basketball star Kenny Anderson, and urban contemporary radio personality Angie Martinez. The PSA campaign continued into 2005, with the PSAs on a Web page devoted to HAVA, [www.NJElections.org/hava\\_doe.html](http://www.NJElections.org/hava_doe.html).

#### ❖ **Hip-Hop Summit —**

In September, the Attorney General's Office joined with Russell Simmons' Hip-Hop Action Network to stage the first-ever New Jersey Hip-Hop Summit at the War Memorial in Trenton. The Hip-Hop

Summit was a major get-out-the-vote event that brought together top hip-hop recording artists and representatives of government, as well as voting age and soon-to-be voting-age young people for a candid discussion about democracy, governance, and the significance of every individual's voting voice. The event packed the War Memorial's main theater with cheering students, and was made available for Web cast viewing by thousands of students watching at high schools and colleges throughout New Jersey. As a result of the Hip-Hop Summit, an estimated 3,000 new voters were registered in time for the 2004 General Election.

#### ❖ **Voting Technologies Forum —**

Also held at the War Memorial in Trenton, the “Beyond 2004: Exploring Voting Technologies” forum brought together a host of experts on voting systems from government and academia. The program was open to the public, and included a panel discussion focused on electronic vot-

ing systems, including the pros and cons of voting machines equipped with “verified paper trail” capability. Held one week before the General Election, the Voting Technologies Forum provided the public with an opportunity to witness a demonstration of an electronic voting machine currently in use, and provided useful information on the capabilities of emerging voting system technologies. Well covered by local and regional media, the event enabled the Attorney General's Office to keep voting-related information and issues in the public eye.

*Register and Vote, New Jersey!*



**be  
Powerful.  
be Heard.**



*Shown here are some of the stars who have volunteered their time to film public service announcements. From left: Michael Douglas, Queen Latifah, Jason Alexander and Angie Martinez. Visit [www.NJElections.org](http://www.NJElections.org) to see additional celebrity PSAs.*







# DNA — Convicting the Guilty, Exonerating the Innocent

## Expanded Data Base a Tool for Solving Crime, Preserving Rights; New Lab in Hamilton Will Provide State-of-the-Art Forensic Analysis

In the waning days of 2004, residents of Camden city became concerned about an apparent serial rapist in their midst after three similar attacks occurred in the city's downtown and university sections.

Within weeks of the third attack, DNA testing had confirmed that all three sex crimes were in fact carried out by the same man. The man, however, was no longer a threat — he was dead.

The rapist had been shot to death by a Camden merchant during an attempted armed robbery. Posthumous testing of the man's DNA established him as the same attacker who'd committed the three rapes in downtown Camden. The minds of the public were put at ease and law enforcement was able to turn its attention to other criminal activity.

The future of criminal investigation is scientific evidence. DNA (Deoxyribonucleic acid) carries genetic information in cells and is the most reliable forensic evidence. It is the law enforcement tool for the 21st Century.

DNA science made a difference in New Jersey in 2004, and it will continue to do so in the future as law enforcement seeks more effective methods for solving crimes and ensuring public safety.

However, DNA is not only vital to solving crimes, it is also a critical tool in exonerating the innocent.

In 2003 and 2004, the Attorney General's Office made the expansion and strengthening of New Jersey's DNA capabilities a top priority — and the effort was a success.

The Attorney General's Office:

- ❖ **Worked with the State Legislature to enact a new law that expanded the pool of convicted offenders required to provide DNA samples.** Under the law, any person convicted of a first, second, third, or fourth degree offense (felonies) must now provide a DNA sample. In addition, convicted offenders who are already in custody, on probation or under parole supervision must also provide their DNA.

- ❖ **Trained more than 700 law enforcement officers throughout the State in DNA collection,** including members of the Department of Corrections, the Parole Board and Juvenile Justice Commission, as well as corrections personnel at each of the state's 21 county jails, and members of each county Sheriff's Department.

- ❖ **Formed a Combined DNA Indexing System Working Group and Compliance Unit** to oversee collection of DNA samples.

The continuing expansion of New Jersey's DNA data base gives police and prosecutors a powerful scientific tool to protect the public.

The greatest beneficiaries will be the victims of unsolved crimes — like the victims of the Camden rapist — in which a perpetrator is unidentified, but has left biological evidence at the crime scene. Not only survivors of sexual assault, but the families of murder victims and children who cannot identify their abusers will have their cold cases revived.

DNA technology has advanced to the point where minute amounts of biological material can yield a profile that is so unique to the individual that it is virtually unassailable. For offenders, the process of donating a biological sample is quick, simple and painless. Samples are obtained via a buccal swab — a swab of the inside of the cheek.

As a matter of crime-scene collection, law enforcement can obtain DNA from a broad array of items including cigarette butts, chewing gum, eyeglasses, telephone receivers, drinking glasses, kitchen utensils, and napkins. This capability is vital, because criminals often leave such DNA evidence at crime scenes.



As part of the Attorney General's expanded DNA database initiative, DNA samples have been collected from approximately 94,500 convicted offenders since September 2003. In conjunction with this effort, the State has also trained local, county and state level law enforcement officers in proper DNA collection.

Highly-trained personnel assigned to the new Forensic Science Laboratory at the State Police Technology Center in Hamilton Township (far left, immediate left and below) provide full-range forensic services in the inspection and analysis of DNA.

- ❖ **Opened a new, state-of-the-art Forensic Science Laboratory at the State Police Technology Center in Hamilton Township.** The new laboratory provides full-time forensic services in the inspection and analysis of DNA — and other crime-related evidence — not only from New Jersey, but from across the United States. As part of the Attorney General's expanded DNA database initiative, the State hired an additional 40 scientists with expertise in DNA analysis.
- ❖ **Established an internship program at The College of New Jersey designed to encourage college students to explore careers in forensic science.** As part of the initiative, the Attorney General's Office provides State Police Laboratory internships for qualified TCNJ science majors who seek to work in the area of DNA analysis.





# Criminal Justice System Reforms

## Revised 'Brimage' Guidelines Promote Fairness and Uniformity in Drug-Related Plea Agreements; New Policy Requires Electronic Recording of Statements by Homicide Suspects

By statute, the Attorney General has responsibility for even-handed treatment of the accused. In keeping with this commitment, the Attorney General's Office led key reforms of the criminal justice system in 2004. The Office generated new plea agreement guidelines to ensure greater fairness and uniformity in the sentencing of certain drug offenders, and it issued a new Interim Policy requiring the electronic recording of final statements made by certain criminal suspects to police investigators in a "station house" custodial setting.

### Modification of Mandatory Minimum Sentences

The Attorney General's revised "Brimage Guidelines" were designed to address inequities related to plea negotiations and, ultimately, prison sentences involving certain drug offenders.

The Comprehensive Drug Reform Act of 1987 (CDRA) gave prosecutors discretion to expose certain drug offenders to stiff "mandatory minimum" prison sentences. Specifically, those accused of either distributing illegal drugs within 1,000 feet of a school, or possessing drugs with intent to distribute within 1,000 feet of a school, faced a mandatory sentence of three years in prison with no possibility of parole or early release.

In 1998, however, the New Jersey Supreme Court found in **State v. Brimage** that the statutory scheme of CDRA was unconstitutional. Specifically, the Court found that each County Prosecutor's Office adopted its own plea offers and policies, resulting in a

lack of statewide uniformity and disparity in sentencing across the State.

As a result, the Court called on the Attorney General's Office to promulgate uniform statewide guidelines to address its concerns. The guidelines were subsequently created, but a lack of proportionality remained.

For example, the 1998 guidelines did not address the reality that low-level "school zone" offenders — including those with no significant record of prior convictions — faced mandatory minimum prison terms, as well as a period of ineligibility for parole or early release.

The guidelines also failed to address inequities resulting from geography. For example, in most urban centers — because there are almost no areas outside of 1,000 feet of a school — drug offenders in the inner-city were more likely to be found operating in a school zone than their suburban counterparts. Thus, the same conduct resulted in different treatment based solely upon the geography of the offense.

Since significant minority populations tend to live in urban centers, a disproportionate number of minority persons ended up pleading guilty to "school zone" crimes and being sentenced to harsh, mandatory minimum prison terms while identical drug crimes committed in the suburbs were drawing more lenient sentences.

Developed by the Attorney General in consultation with the presiding judges of the Criminal Part of the Superior Court, defense lawyers, the New Jersey Public Defender's



Office, and the 21 County Prosecutors, the revised Brimage Guidelines issued in 2004 seek to ensure greater proportionality, and to make certain that punishment genuinely fits the crime.

The guidelines exempt from the regular Brimage calculation certain school zone cases involving less egregious drug offenders. They also reflect the law enforcement community's support for New Jersey's Drug Court Program by allowing prosecutors to opt for drug treatment for certain offenders instead of mandatory imprisonment.

More egregious drug offenders will not fare as well under the new guidelines, as tougher punishment is required for certain defendants. Some examples: defendants proven to be engaged in street gang activity, those shown to have used a firearm or carried one, those who were involved in "commercial" drug sales, and those who returned to the scene of a prior drug crime in violation of a "Drug Offender Restraining Order" issued by a judge.

### **Electronic Recording of Statements by the Accused**

Also in 2004, the Attorney General's Office and the 21 County Prosecutors promulgated an amended policy regarding the electronic recording of station house confessions.

This is the first time in the nation that electronic recording has been directed by an Attorney General, and New Jersey is only the fifth state to mandate electronic recording of statements.

The Amended Policy expands the requirements of an earlier-issued Interim Policy that called on police investigators to record — audiotape or videotape — the final statements of homicide suspects discussing their crimes with police in a station house custodial setting. The new, Amended Policy requires that, by September 1, 2005, police electronically record the final written statements — or acknowledgments of final statements — by all criminal suspects accused of first or second degree offenses. By January 1, 2006, that electronic recording requirement will be further expanded to cover all suspected third-degree offenders. Also, as of January 2006, police will be required to electronically record the same material for all juveniles suspected of committing any act that would constitute a crime under statute [NJSA 2A:4A-26a(2)(a)], thereby subjecting the juvenile to waiver to adult court on the prosecutor's motion.

The main purpose of the Attorney General's Amended Policy on electronic recording is to protect the rights of suspects — and the integrity of criminal investigations — by creating a permanent and objective record as a suspect provides his or her final statement.

The goal of the policy is to verify that the statement is voluntarily made, and that the text of the statement is accurate when presented in court.

Such an audio and/or video record can establish whether a suspect was properly advised of his or her Constitutional rights. It can also establish what the suspect actually said.

When a final statement is signed or acknowledged by a criminal suspect in custody and no electronic recording has been made, police are required under the new guidelines to document the reason why. "Excused" reasons might include that the recording equipment was not working or was unavailable, or that the suspect indicated a desire not to be electronically recorded.

The Attorney General's Amended Policy on electronic recording of suspects coincides, approximately, with similar recommendations by the New Jersey Supreme Court. In a report issued on April 15, 2005, the Supreme Court's Special Committee on Recordation of Custodial Interrogations recommended that the Supreme Court exercise its supervisory authority over the criminal justice system to encourage the recording of all custodial interrogations relating to first and second degree violent crimes, as well as a few other offenses.

The Special Committee's proposed rule applies to interrogations conducted in a place of detention at a point where Miranda warnings must be given. The Special Committee's recommended timetable to begin electronic recording of interrogations is as follows: January 1, 2006 for all homicides, and January 1, 2007 for all other eligible crimes. According to the Special Committee, the remedy for an "unexcused" failure by law enforcement to record eligible suspects is that the trial judge will consider the absence of a recording as a factor in its admissibility analysis, and the jury is to be instructed about the failure.

# Prosecuting Bias Crime and Zero Tolerance for Bullying

## Successful Prosecutions Targeted Hate-Related Criminal Activity; Outreach, Training Efforts Sought to Combat Bigotry, Bullying

Because bigotry and the anti-social behavior that can accompany it is a threat to all New Jerseyans, the Attorney General's Office has made combating bias crime a priority. Located within the Division of Criminal Justice, the Attorney General's Office of Bias Crimes and Community Relations is dedicated to the elimination of crimes motivated by animosity toward others because of race, color, religion, sexual orientation, ethnicity, gender or disability. The Office of Bias Crimes and Community Relations assists law enforcement agencies in investigating and prosecuting bias incidents, and facilitates training for police officers in bias crime investigation, cultural diversity awareness and conflict resolution. The Office also works with county and municipal Human Relations Commissions to coordinate efforts to promote understanding within diverse neighborhoods and communities. Victims of bias crime are encouraged to call the New Jersey Bias Crime Victim Support Services hotline at 1-800-277-BIAS.

Through collaborative effort involving Bias Crimes and Community Relations and other agencies within the Attorney General's Office — for example, the Division on Civil Rights — the State is also making a concerted effort to combat bullying. Although it is not limited exclusively to educational settings, bullying often takes place in schools, disrupting learning, impacting negatively on the self-confidence of young people, and acting as a catalyst to violence.

As a result, the Attorney General's Office has made it a point to not only address bullying incidents when they occur, but to liaison with the education community on a number of bullying prevention initiatives.

### Bias Crime Prosecutions

#### ❖ East Coast Hate Crew —

On March 26, 2004, six members of the East Coast Hate Crew were arrested and charged with attempted murder, as well as second and third degree offenses including conspiracy, bias intimidation, robbery and aggravated assault. The investigation revealed that the organization, which included juveniles and adults, had targeted members of the Hispanic community in Ocean County for assault and vandalism during a two-year period. The adult cases are still pending. Juveniles charged with offenses pleaded guilty and/or agreed to cooperate with the investigation.

#### ❖ State v. Martin and Stickler —

In August 2002, defendants Larry Martin and Joshua Stickler, two white youths with ties to the National Alliance, attempted to assault a Hispanic male with a baseball bat and crowbar. Subsequent to their arrests, both defendants pleaded guilty to third degree crimes of making terroristic threats and possession of a weapon, and were sentenced to an 18-month probationary term.

#### ❖ Gabriel Carafa Investigation —

On April 29, 2004, defendant Gabriel Carafa pleaded guilty to charges of second-degree bias intimidation and third-degree making terroristic threats, and was sentenced to three years in prison. Carafa had vandalized an Ocean County convenience store, operated by a family of Indian descent, and made threats and disparaging remarks directed at the employees. A co-defendant, Jonathan Teague, pleaded guilty to second-degree bias intimidation, aggravated assault, and other charges. He was sentenced to a five-year prison term. Teague attempted to run over a store employee with his car during the same incident. At the time, Carafa was reportedly a member of bias groups known as Church of the Creator and Aryan Renaissance Society. Upon his original indictment, Carafa jumped bail and fled to Florida, where he was apprehended and subsequently extradited back to Ocean County.

#### ❖ State v. Castellano —

Defendant Ronald Castellano pleaded guilty in NJ Superior Court in Morris County to a third-degree charge of possessing steroids and a fourth-degree charge of possession of Viagra with intent to distribute. An investigation in 2003 and 2004 revealed that Castellano was distributing steroids and other controlled dangerous substances to members of the skinhead/white supremacist community. Castellano pleaded guilty in 2004, and received a three-year probation term.





*This Logo is being used in an anti-bullying campaign to raise awareness regarding this important issue confronting New Jersey's children. The campaign also includes outreach by the Office of Bias Crimes and Community Relations to schools throughout the State.*

#### ❖ **State v. Piskorowski** —

In December 2004, an indictment was obtained in Bergen County against Adam Piskorowski, who is allegedly affiliated with an entity known as the Bergen County Hooligans, as well as several Eastern-European skinhead organizations. Piskorowski is suspected, along with others, of being involved in a bias-motivated assault in Garfield. The indictment charges Piskorowski with third-degree bias intimidation and fourth-degree theft. At present, he remains a fugitive.

### **Anti-Bullying Efforts**

#### ❖ **Division on Civil Rights Prosecution of Bias-Based Bullying/Harassment** —

Rejecting an earlier ruling by a State Administrative Law Judge, the Division on Civil Rights found in 2004 that the Toms River school district was liable for the consistent, bias-based harassment — and occasional physical assault — of a Toms River high school student by fellow students who perceived him to be homosexual. The mother of the ninth-grader elected to withdraw her son from the Toms River schools due to his victimization.

#### ❖ **Telephone Hotline, Public Service Announcements** —

The Attorney General's Office established in 2004 a 24-hour telephone hotline, 1-877-NO-BULLY, to assist the victims of bullying. In conjunction with this initiative, an anti-bullying Public Service Announcement (PSA) by the Attorney General began airing in late 2004. The PSA reminded listeners that bullying can be prosecuted as a bias crime — half of all bullying incidents are bias-related — urged listeners to talk to their children about bullying, and to ask about the mandatory "no bullying" policy at their children's schools.

SATURDAY, MARCH 27, 2004 ASBURY PARK PRESS

PAGE A11

## **8 from Ocean County arrested in hate crimes**

By KATHLEEN HOPKINS  
TOMS RIVER BUREAU

**TOMS RIVER** — Authorities yesterday rounded up eight people they say targeted minorities in southern Ocean County for violence based on ethnicity or race.

The suspects, all from Ocean County, are a "loosely formed group of individuals" known as



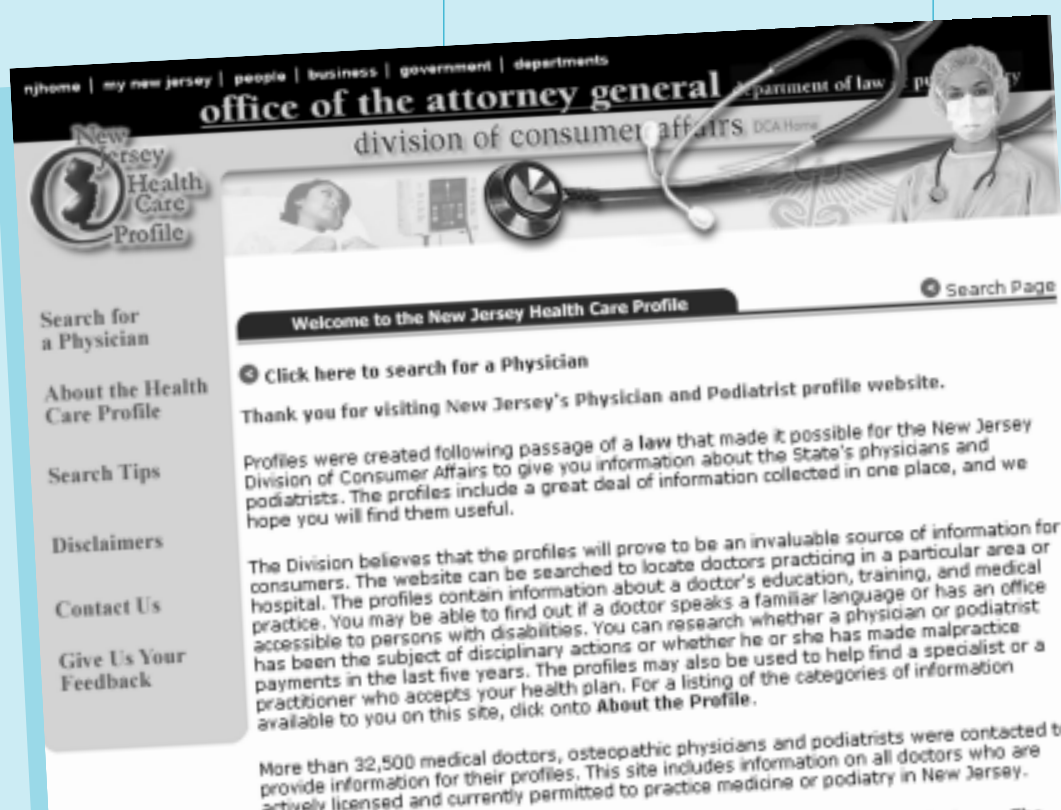
# Protecting, Educating and Informing New Jersey's Consumers

## “Do Not Call” Regulations Imposed Tough New Strictures on Telemarketing

The Attorney General's Office, through its Divisions of Consumers Affairs, Law, and Criminal Justice, remained aggressive in 2003-2004, filing complaints against those who failed to give customers their money's worth, monitoring to ensure that sellers and service-providers disclosed all terms and conditions to the public.

Among other actions, the Attorney General's Office:

- ❖ **Filed a criminal racketeering complaint against a Bayville, Ocean County man and the investment firms he controlled**, Global Trading Investment and Wyndham Group, alleging the sale to investors of more than \$4 million in fraudulent and un-registered securities. As part of the case, the State successfully petitioned the court to freeze the assets of the two investment companies.



Important information about physicians and podiatrists who hold active licenses in New Jersey is now available from one central source — the Physician Profile Web site developed by the Division of Consumer Affairs within the Attorney General's Office.

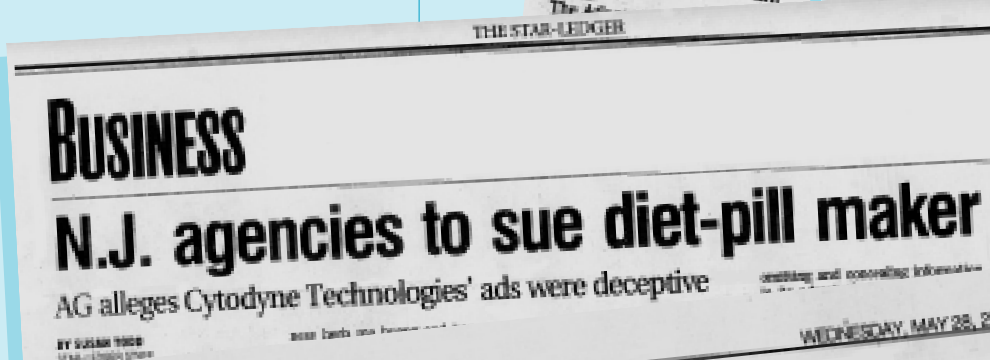
A link to the Physician Profile page can be found at [www.NJConsumerAffairs.gov](http://www.NJConsumerAffairs.gov).

- ❖ **Adopted regulations that implement New Jersey's Do Not Call law**, which imposes tough restrictions on telemarketers and provides State residents with the nation's strongest level of protection from unsolicited and unwanted telemarketing calls.
- ❖ **Developed a "Physician Profile" Web site** where consumers can access from one central location important background information about physicians and podiatrists who hold active licenses in New Jersey, including how long a physician or podiatrist has been practicing, where he or she went to medical school and whether the physician or podiatrist has ever been the subject of disciplinary action or has made payments stemming from a medical malpractice case.

For additional detail about the actions of the Division of Consumer Affairs in 2003-2004, see page 44.



*The bold graphic used on the "DO NOT CALL" flier at right is symbolic of how aggressively the Division is working to stop telemarketers from engaging in this annoying practice.*



B-2 THE RECORD

# Settlement: Home Depot agrees to pay N.J. \$510,000

From Page B-1

- Were deceptive in their descriptions and pricing of advertised items.
- Incorrectly represented that their materials were of sufficient quality.

disappointed customers. As part of the agreement, Consumer Affairs is forwarding copies of the complaints to Home Depot, Morris said, adding that the chain has 30 days to investigate them and an additional 60 days to respond to the complaints.

"Through this agreement, we have been given assurances that Home Depot will comply with New Jersey's consumer protection laws and treat consumers fairly and honestly," said acting Attorney General Peter C. Harvey. Home Depot, which operates stores throughout the state, could not be reached for comment.

In a statement, Home Depot said it has "always strived to be in full compliance with all regulatory laws and is proud of its record of doing the right thing for its customers," and that the state's investigation "revealed that the majority of the complaints had been resolved directly between Home Depot stores and the customers."

provisions to assure compliance with the state's consumer protection statutes and to enhance timely and efficient handling of consumer complaints." The charges come at a time when Home Depot is fighting increased competition from Lowe's Cos. Inc. and trying to improve its image among consumers. Last week the chain reported a 1.5 percent decline in sales for the quarter ended May 4, down from 1.8 percent in the fourth quarter, and its stock has been steadily up this year. Tuesday at \$31.45, about 1 percent higher than its 52-week high.

percent to \$15.3 billion, a 10 percent increase over the 12-month period ended May 4, according to analysts. Home Depot's stock has been steadily up this year. Tuesday at \$31.45, about 1 percent higher than its 52-week high.



# Combating Cyber Crime and Identity Theft

**AG's Office Drafted, and Legislature Passed, Tough New Identity-Theft Law; New Regional Computer Forensic Laboratory was Key Asset in Pursuing Sexual Predators and Other Cyber Criminals**







As technology continued to evolve and permeate the mass market in 2003-2004, attempts to exploit that technology by sexual predators, con artists, identity thieves and other cyber-criminals presented an ongoing challenge. The Attorney General's Office countered that challenge through a vigorous, multi-faceted attack on cyber crime and identity theft that employed legislation, public awareness, civil litigation and, where appropriate, criminal prosecution.

The Attorney General's Office worked with the Legislature to develop a landmark bill — one that was ultimately approved and signed into law — designed to crack down on the crime of identity theft. The law eliminated, in cases of identity theft, the “presumption of non-incarceration” usually associated with third-degree crimes in New Jersey. Simply put, the new law meant that anyone convicted of a third-degree, identity-theft-related crime now faced the very real possibility of going to jail. In addition, the bill created a new, second-degree crime of using a false driver's license (or other phony government credential) to obtain a “legitimate” driver's license or other government document that could be used to verify identity. The law also gives victims a remedy unique to New Jersey. The law provides for the payment of restitution to identity theft victims and the removal — by order of the court — of all “bad credit” indicators resulting from identity theft.

## Regional Computer Forensic Laboratory

An integral tool in the effort by the Attorney General's Office to fight cyber-crime is the Regional Computer Forensics Laboratory (RCFL). A world-class project that puts

New Jersey on the leading edge of forensic crime-solving technology, the RCFL is located in Hamilton Township, Mercer County. It is part of a sprawling, \$83.5 million complex that also houses the new State Police Troop “C” Headquarters, a communications center, and various other facilities used by State Police, the New Jersey Office of Counter-Terrorism within the Attorney General's Office, and the Office of Information Technology within the New Jersey Department of Treasury.

The RCFL involves a unique partnership combining the resources of the Attorney General's Office, the FBI and local law enforcement agencies. Under the RCFL program, highly trained and experienced personnel from the State Police and Division of Criminal Justice join members of the FBI and local law enforcement in working as computer forensic examiners. The RCFL examiners handle computer analysis exclusively for the purpose of supporting criminal investigations, including activity related to: terrorism, the accessing and/or circulation of child pornography, insurance fraud, identity theft, financial fraud, on-line luring by sexual predators, and such emerging criminal activity as theft or destruction of a data base via “hacking.”

One of the duties of RCFL examiners is to accompany criminal case investigators who are executing search warrants. When a computer believed to be related to criminal conduct is seized, it is the RCFL examiner who retrieves it. From there, the computer is transported to the RCFL facility and examined for evidence. Any evidence is then turned over to the case investigator and, if required, the RCFL examiner will provide expert testimony at related court proceedings.

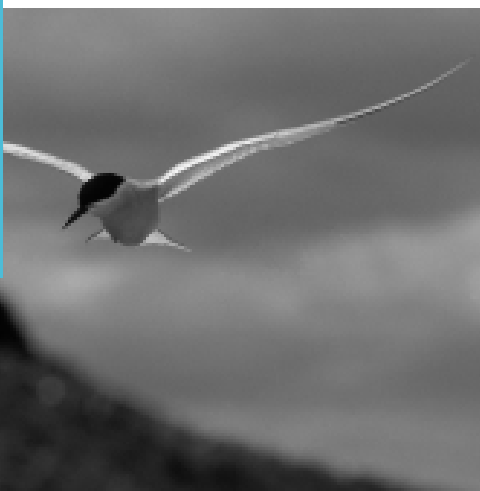
Opened in 2004, the RCFL is a critical asset in the war on cyber-crime, which has been steadily on the rise. (In the year 2000, the Division of Criminal Justice's Computer

Analysis and Technology Unit (CATU) examined 37 computers for potential crimes. By 2003, that number had increased to 143, with a similar increase shown in the number of floppy disks searched.)

Case highlights include:

- ❖ **The obtaining of a guilty plea from a Monmouth County man on charges that he stole more than \$50,000** from persons who paid him for electronic merchandise they believed they'd purchased through Internet-based auction sites he operated. The scheme victimized 22 individuals in 17 states.
- ❖ **The obtaining of a five-year State Prison sentence against a Cape May County man who pleaded guilty to the possession and distribution of child pornography.** The defendant, Steven Allegretto, admitted uploading a child pornography image to an undercover Web site operated by State investigators assigned to the Division of Criminal Justice's Computer Analysis & Technology Unit.
- ❖ **The obtaining of a settlement agreement resolving allegations of fraud against Alyon Technologies, Inc., a North-Jersey-based Internet company accused of linking unwitting Internet users to pornographic “pop-up” images,** and billing them for Web-based services not requested by consumers. According to Attorney General Harvey, the State received more than 700 consumer complaints about Alyon — more than half of them from New Jersey residents, the remainder from consumers in states across the country. In most cases, consumers complained that they'd received bills from Alyon or its billing agent — often in the \$150 range — for access to on-line pornography they had not sought. The problem was, in part, traced to a proprietary computer program employed by Alyon.
- ❖ **The arrest of a Monmouth County man on charges of trying to engage a purported 14-year-old juvenile in a sexual encounter,** and transmitting images of sex acts via the Internet. The “juvenile” was actually a State Investigator assigned to the Division of Criminal Justice's CATU. At the time of this writing, charges were still pending against the defendant, who faced up to 25 years in State prison and a fine of up to \$325,000 if convicted on various felony counts.

# Protecting Our Environment



**Urban Environmental Initiative, Other Enforcement Efforts Targeted Waste Dumpers, Water Polluters; Litigation Yielded More than \$25 Million in Natural Resource Damage Compensation**

Environmental protection is one of Attorney General Harvey's top law enforcement priorities. It is also a vital quality-of-life issue. The Attorney General's Office used both civil litigation and criminal prosecution in 2003-2004 to combat pollution and preserve important natural resources.

## Criminal Enforcement

In 2004, the Environmental Crimes Bureau (ECB) within the Division of Criminal Justice obtained a total of 17 criminal indictments, guilty pleas and/or accusations related to unlawful pollution.

For the two-year period spanning 2003 and 2004, the ECB charged more than 50 individuals and corporations with such criminal offenses as criminal water pollution, unauthorized tire disposal in environmentally sensitive areas, and unlawful abandonment of potentially toxic solid wastes in residential areas, among other offenses. The Bureau also collected more than \$1 million in fines and restitution during the two-year period, and helped develop legislation — signed into law in 2004 — that significantly toughened criminal penalties for illegal dumpers.

## Urban Environmental Initiative

Some unscrupulous individuals and corporations dump garbage, toxic wastes and other hazardous materials in New Jersey's cities. This waste is sometimes delivered to the poorest communities.

A major component of the Attorney General's effort to discourage polluters and enhance the quality of life of New Jerseyans remains the Urban Environmental Initiative. The Urban Environmental Initiative was established in 2002 by Attorney General Harvey, who at the time was serving as both First Assistant Attorney General and Director of the Division of Criminal Justice.

In creating the Initiative, Attorney General Harvey reasoned that urban landscapes marred by unlawful waste dumping and polluted, abandoned industrial sites provide a discouraging backdrop for revitalization, and an encouraging one for drugs, vandalism, street gang activity, and other crime.

As 2004 wound to a close, the State wrapped up a number of successful urban pollution investigations spearheaded by the Environmental Crimes Bureau, including Millville, Cumberland County, in which the operator of a now-defunct laundry business was indicted on charges of abandoning drums of hazardous dry cleaning solvents inside the facility. The defendant, W. Scott Sheppard, 36, of Millville, pleaded guilty and, in early 2005, was ordered to pay a \$25,000 criminal penalty to reimburse the New Jersey Department of Environmental Protection, and another \$9,000 to the New Jersey Spill Fund, to cover clean-up costs.

In an unrelated case, Morganville Properties of Edison, Middlesex County, pleaded guilty to unlawfully storing chemicals and other hazardous wastes for a period of at least two years at a truck yard at Raritan Center. During the period at issue, some chemicals leaked out of containers and onto the ground. As a result of its guilty plea, Morganville was required to pay \$50,000 in clean-up costs, a \$10,000 criminal fine, and \$6,700 to the New Jersey Spill Compensation Fund.

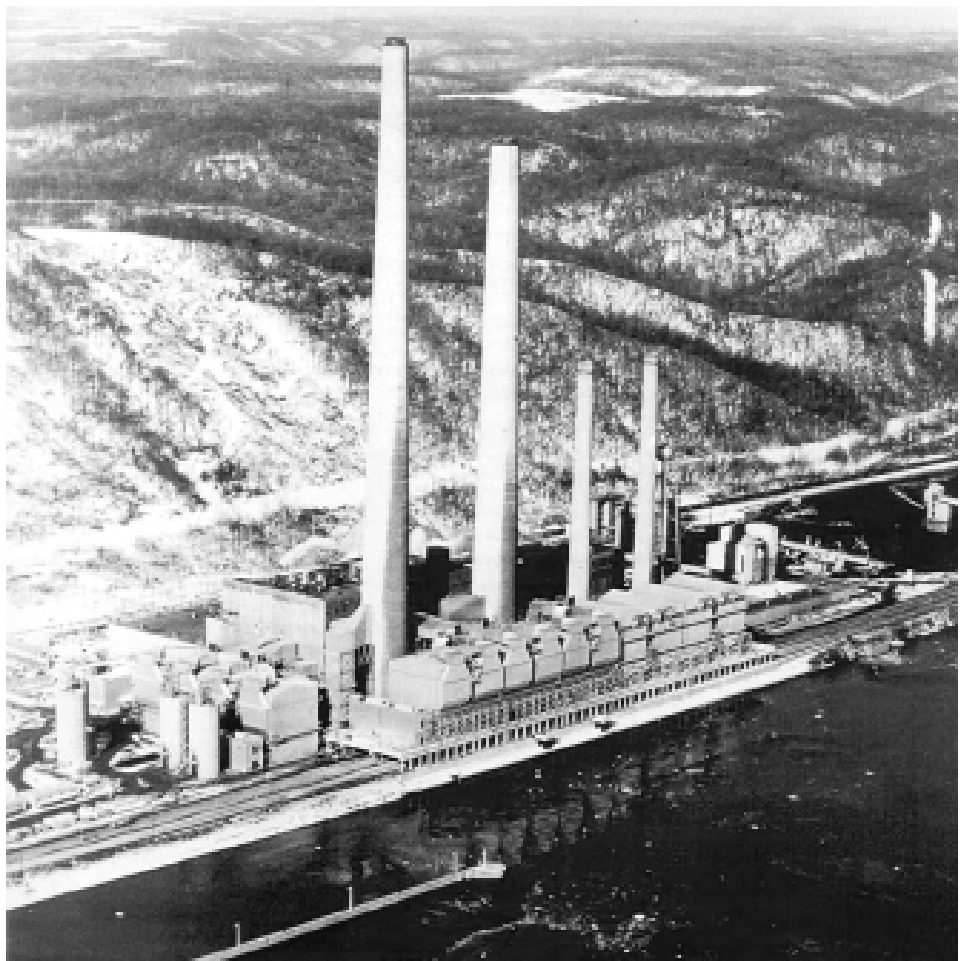
Among the ECB's other significant environmental prosecutions were:

- ❖ **The obtaining of a five-year State Prison sentence against a man who pleaded guilty to unlawfully disposing of solid waste and debris** at a privately-owned lot in the City of Trenton, as well as to charges of contempt for ignoring a Department of Environmental Protection order barring him from handling solid waste.

- ❖ **A six-month jail sentence and \$10,000 in fines against an Upper Saddle River businessman convicted of abandoning caustic photo processing chemicals** and other hazardous waste materials at a storage facility in Bergen County.
- ❖ **The obtaining of a guilty plea in state Superior Court, Essex County, by the president of a firm known as Precise Plating, to charges of negligent violation of the Water Pollution Control Act.** In pleading guilty, the official admitted that on March 4, 2004, the company intentionally discharged wastewater containing cyanide in excess of permit levels directly into the Newark municipal sewer system. The executive and Precise Plating were ordered by the court to pay a \$2,500 fine to the Passaic Valley Sewerage Commission.

On the civil litigation front, the Attorney General's Office has worked with DEP to secure more than \$25 million in Natural Resource Damage compensation from polluters — more than was obtained during the previous 10 years combined. The OAG has devoted considerable legal resources to target lawbreakers in the power industry who are polluting New Jersey's air. Coal-fired power plants in the Midwest and South produce roughly one-third of the air pollution in New Jersey, contributing to an epidemic of asthma.

Working with Attorneys General from other states, Attorney General Harvey challenged the U.S. Environmental Protection Agency six times in 2003 and 2004 over rule changes that put corporate profits ahead of the environment and public health. Through the Division of Law within the Attorney General's Office New Jersey:



*As the result of federal litigation brought by the New Jersey Attorney General's Office, this coal-fired power plant owned by Ohio Edison will significantly reduce its air polluting emissions. Located along the Ohio River in Steubenville, Ohio the facility is known as the W.H. Sammis coal-fired plant. For years it has been sending massive amounts of sulfur dioxide and nitrogen oxides northeastward from Ohio via prevailing winds. Under terms of a settlement agreement announced in early 2005, Ohio Edison is to install new pollution controls that will reduce air pollution from the plant by between 70 and 80 percent. In addition, Ohio Edison will pay the State of New Jersey \$2.8 million to fund environmental projects.*

- ❖ **Challenged the EPA's failure to set strict standards for six pesticides** widely used on children's food.
- ❖ **Sued the EPA for failing to regulate global warming pollution.**
- ❖ **Gained a major victory when a federal court granted the State's request to block a new EPA rule that would allow the dirtiest power plants to avoid long-standing Clean Air Act requirements** to install pollution controls when making plant upgrades.
- ❖ **Blocked an EPA attempt to lower air conditioner efficiency standards.**
- ❖ **Filed comments opposing the EPA's proposal that dangerous mercury emissions from coal-fired power plants** — which introduce mercury into the food chain and cause neurological damage in young children — be controlled under a trading scheme that would allow many plants to avoid installing pollution controls.
- ❖ **Filed suit challenging a new EPA rule that would make it easier for power plants to avoid installing technology to protect aquatic life from cooling water intakes**, which suck six billion gallons of water each day from New Jersey's bays and rivers, killing millions of fish.